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W. D. Brooke



THE
T R Y A L
OF THE
C A U S E
OF THE
ROMAN CATHOLICS.

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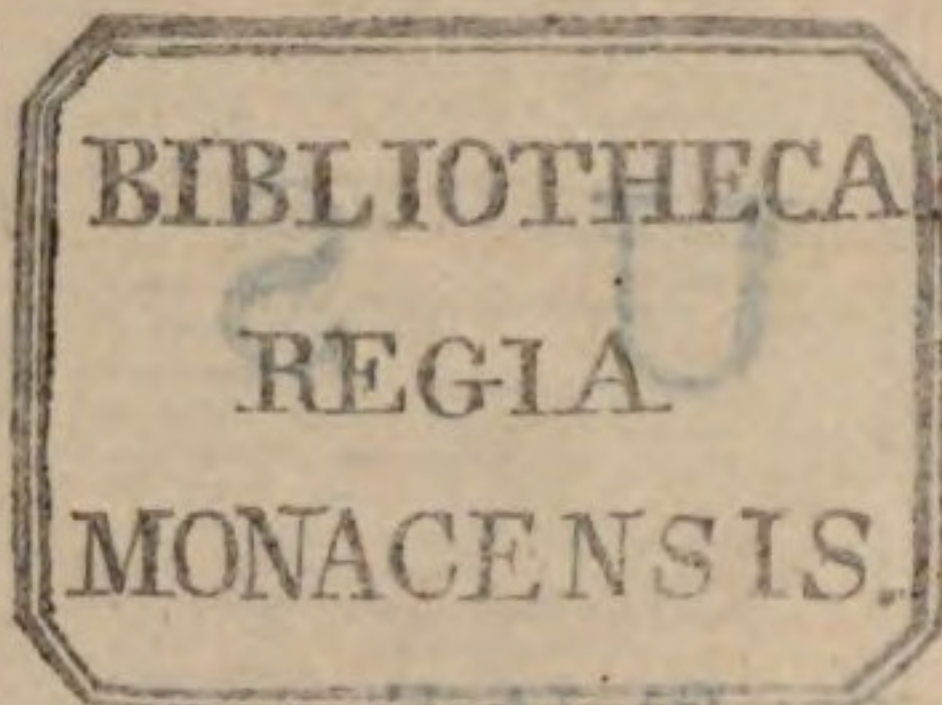
MR. BROOKE.



DUBLIN

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UNIVERSITY



THE
T R Y A L
OF THE
C A U S E
OF THE
Roman Catholics;

On a special Commission directed to
Lord Chief Justice REASON,
Lord Chief Baron INTEREST, and
Mr. Justice CLEMENCY.

WEDNESDAY, *August* 5th, 1761.

Mr. CLODWORTHY COMMON-SENSE, Foreman
of the Jury,
Mr. Serjeant STATUTE, Council for the Crown,
CONSTANTINE CANDOUR, Esq. Council for the
Accused.

By Henry Brooke

Wherever Truth and Interest shall embrace,
Let Passion cool and Prejudice give place.

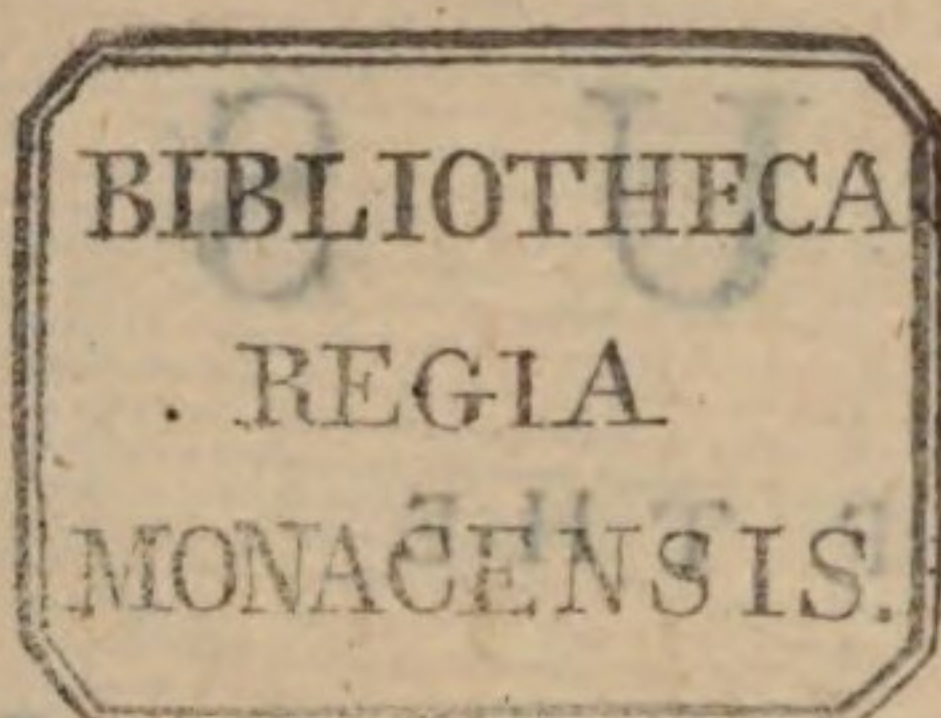
The FIRST EDITION.

DUBLIN:

Printed by GEORGE FAULKNER, in Essex Street.

MDCC LXI.

THE
TRAY
OF THE



Roman Catholics;

On a special Commission directed to

Lord Chief Justice Russell,
Lord Chief Baron Ingham, and
Mr. Justice Crompton.

Wednesday, March 21st, 1861.

Mr. Crompton, Common-Sense, Foreman
of the Jury,
Mr. Ingham, Counsel for the Crown,
Constantine Campbell, Esq., Counsel for the
Accused.

Wherever Truth and Justice shall embrace,
Let Passion cool and Prejudice give place.

THE FIRST EDITION.

DUBLIN:

Printed by GEORGE FAULKNER, in Essex Street,
at No. 111.

T O
HIS EXCELLENCY

T H E

EARL of HALIFAX,

Lord Lieutenant, General,
and General Governor of
IRELAND.

M^y LORD,

ALL Benefits that require
Establishment or Promo-
tion, and all Grievances that re-
quire Relaxation or Redress, in
this Country, are naturally sub-
a mitted

mitted to the Man who hath approved himself rather the Patron than the Regent of *Ireland*. If Your EXCELLENCY had not taken a distinguished Pleasure in doing public Good, and remedying public Evil, You would not have been troubled with the following Treatise.

As *Ireland* cannot partake of the Royal Favour or Influence, save by Reflection; it is a very singular Happiness when such Favour is Conveyed to us, without Cloud or Diversion, in all the

Comfort

Comfort of its Warmth and Fullness of its Lustre.

May the Praises of Your EXCELLENCY continue to be recorded, not by the Adulation of Courtiers and venal Dedicators, but by the Beneficence of Your Own Acts, and the Acknowledgments of an obliged and grateful People.

I am, my LORD,

Your EXCELLENCY's

Most humble, and

Most dutiful Servant,

The AUTHOR.

Comfort of its Weakness and Full-

ness of its Justice.

May the Fruits of Your Ex-

cellency continue to be record-

ed, not by the Adulation of Court-

iers and royal Dedicators, but

by the Remembrance of Your Own

Acts, and the Acknowledgments

of an obliged and grateful People.

I am, Sir, Your

Most Obedient

and Humble

Servant

THE AUTHOR.



THE
T R Y A L
OF THE
C A U S E
OF THE
ROMAN CATHOLICS.



T was on *Monday* the 3d of *August* last, when, crossing a Walk in *St. James's Park*, I happened to meet *Mr. Fairfield*, my Countryman and old Acquaintance. After mutual Salutations, my dear Friend, says he, I

rejoice to see you. You are come most seasonably for the Service of our common Country, on a very interesting Occasion.

Why, said I, is any new Evil intended toward *Ireland*? Is our Linen-Staple to be distressed, or is a Stop to be put to our Inland Navigations, or is a Union actually on the Carpet?

Nothing of This, he replied. You must know that I am Member of a Society of about thirty protestant Gentlemen, partly *English* and partly *Irish*, who meet on *Wednesday* in every Week, at the King's Arms Tavern. On the first Week in *January* we chuse our Chairman, who retains a Consular Authority through the Year. We aim at Instruction as well as Amusement; and, almost on every Meeting, we debate some Question of public Concern, that had been proposed for the Purpose at a former Sitting. As the Discovery of Truth is our only Cause of Question, and Matters of national Utility our sole Subject of Debate, I am bold to say that the Public has already received some Benefit

nefit through this fame Channel. That our Controversies are, at Times, not unworthy the Attention of a first Minister; nor our Decisions unbecoming a more august Assembly.

About four Months ago we received some printed Papers, entitled, *the Farmer's Case of the Roman Catholics of Ireland*. And, on Perusal, we found that They included a Matter of no smaller Concern than the bodily Safety and temporal Interest of every Protestant in that Kingdom. It is evident, however, that the Writer, before he sat down to his Desk, had determined the Question in his own Bosom; and, though his Reasonings, in fact, may be strong and impartial, we cannot suppose them equally conclusive with Arguments fairly opposed by all that can be urged on the other Side.

In a Matter of such Weight and unspeakable Importance to a whole Nation; we resolved that it was incumbent to make a thorough Inquisition into the Merits of the Cause, on either Part. Three full Months

were assigned for the particular Study thereof. Each Member adopted the Side on which he chose to rank. Three Judges, with a Jury, and a Bar of respective Lawyers, were appointed. And next *Wednesday* is fixed for the Day of impending Tryal.

But, as several of our Members are now in the Country, we are in present Distress for One or Two of the Jury, and you are arrived most opportunely to supply the Defect. I know you to be versed in the Laws of your Country, and warmly affected with all her Concerns; and you will be entertained with One of the most extraordinary Tryals that, perhaps, ever depended in any Court.

Mr. *Fairfield*, said I, I will chearfully attend you, and think myself much honoured by your Invitation. I have repeatedly read the printed Papers you mention, and am further studied in the Case in Question. This same Farmer, who seems now to have undertaken the Cause of the Roman Catholics, was once reputed their most irreconcilable Enemy; and, on the Rebellion of 1746, he
wrote

wrote several Papers against them, with a Spirit and Poignancy, that neither They nor their Posterity are ever likely to pardon.

Our Council against Them, replied Mr. *Fairfield*, are furnished with those very Papers and all other requisite Instruments of Offence. But, as my Time of Engagement for the Evening is come, I must request you to meet me, at the Temple-Exchange Coffee-House, about Ten to-morrow Morning. I will there introduce you to several very sensible and worthy Members of our Society.

THE DAY of this important Tryal being arrived, I attended my Friend to the Place of Assembly. The Judges assumed the Bench. The Lawyers ranged themselves on their respective Sides. The Jury was duly impannelled. And the Parties to be tried being arraigned by their Proxy; Mr. Serjeant *Statute*, then Council for the Crown, opened the Cause as followeth.

MY LORDS the Judges, and you Gentlemen of the Jury! You are this Day to try a People, by their Proxy, whom every Man must
of

of Necessity condemn who hath, in himself, any Share or Participation of Allegiance to his King, or Attachment to his Country, any Regard to Society, to the Sanction of Laws, or Obligation of Treaties, to Leagues between Nations, or Faith among Men. What Amity, indeed, what Alliance or Intercourse can be had with a People whose Religion absolves from the Observance of Engagements; who promise through Policy, and through Principle betray.

But, my Lords, I need not dwell upon bare Assertions, I hasten to Overt-Acts, that are pregnant with a thousand Proofs of these Allegations, all known, recorded, and incontestable.

IN the Reign of our first *Charles*, the Roman Catholics of *Ireland* were in the Possession of every Blessing that the Constitution of these Kingdoms could confer. They enjoyed the free Exercise of their Superstition equal with That of the Religion established by Law. They were equally allowed to purchase and inherit; to sit as Jurors on the Determination

on

on of Life and Property ; to vote for Representatives to Parliament ; and even to sit in Parliament themselves.

“ In this blessed Condition of Peace and
 “ Security (says my Lord *Clarendon*) the *Eng-
 “ lish* and *Irish*, the Protestants and Ro-
 “ man Catholics lived, &c. during the whole
 “ happy Reign of King *James*, and, from
 “ his Death, every Degree of their Happi-
 “ ness was increased and improved under
 “ the Government of his late Majesty King
 “ *Charles I.*”

But now it was that, taking Advantage of this great Lenity and Indulgence of Government, as also of the unreserved Affection and Confidence that their Protestant Brethren reposed in them, the Papists of *Ireland* plotted and perpetrated the most execrable Scheme that ever brought Disgrace upon Human-Nature. They had secretly planned the universal Massacre of all Protestants in the Kingdom. The bloody Night was appointed. The Word was given throughout. And the dreadful Secret was preserved by
 All

All to the Hour of Execution. So faithful are these *Irish* Catholics to Each other, tho' None else living may place any Trust in Them.

The same noble Historian tells us that
 “ On the 23d of *October*, 1641, a Rebellion
 “ broke out in all Parts of *Ireland*, except
 “ *Dublin*, where the Design of it was mi-
 “ raculouſly diſcovered the Night before it
 “ was to be executed. That a general In-
 “ ſurrection of the *Irish* ſpread itſelf over the
 “ whole Country, in ſuch an inhuman and
 “ barbarous Manner, that there were forty
 “ or fifty thouſand Proteſtants murdered
 “ before they ſuſpected themſelves in any
 “ Danger, or could provide for their De-
 “ fence, by drawing together into Towns
 “ or ſtrong Houſes.

We are further informed, by Sir *John Temple* and Others, that during the two firſt Months of this Rebellion, more than one hundred and fifty thouſand Proteſtants were maſſacred in cold Blood.

I willingly ſpare the Court, as well as myſelf, the Horror of reciting the Manner
 and

and wanton Cruelty of those deliberate Butcheries. Let it suffice to observe that, at the Time of this Infurrection, these People were equal Members of our free Constitution, that they were favoured of Government, carested by all Protestants, and could not have given us so deadly a Sting if we had not received them to our unarmed Bosoms. And that Protestants, therefore, may hope for Safety within the Neighbourhood of *Irish* Catholics just so long, and no longer than they want Power to hurt, while their Talons are well pared, and their Teeth all drawn.

I shall now proceed to give the Court a System of those humane and charitable Doctrines on whose Principles such detestable Practises are founded.

Foreman.

With the good Will of your Lordships, my Brothers and I wish to hear every Article argued and answered apart, that Nothing material may escape our Memory.

Lord

Lord Chief Justice.

Let it be as you desire. Let us hear what the Council on the other Side have to say in Mitigation of this heavy Charge.

Counsellor Candour

My Lords! My Answer shall be to Facts, and not to Fiction. And I shall spare the Court some Time and myself some Trouble, in Confidence that your Lordships and the Gentlemen of the Jury have not been by-assed by a mere Parade of Words, in Confidence, I say, that you have not mistaken In-vective for Argument, nor the Dictates of Malice for Those of right Reason.

The Charge that has been laid by Mr. Serjeant *Statute*, gives me principally to learn that he has never been in *Ireland*, and that he is equally a Stranger to the Manners and Disposition of our modern *Irish* Catholics, as to the Character and Repute of their gallant Fore-fathers.

By the Picture which he has drawn of this People, with a Pen dipt in Gall, and a Pencil in Ink, we should think them of
some

some different and adverse Species, that favoured not of the Humanity of the Sons of *Adam*. But, when we compare Age with Age and Nation with Nation, we find, with little Disparity, that Men compared to Men are, as Man to himself, a Compound of Vice and Virtue, a Balance of Propensities to Good and Evil. Complexion and Climate may make some Alteration; Education, Religion, Custom will have their Influence, more or less; but Nature is almost the same in All, It cannot wholly be overcome, It cannot wholly be converted to Benevolence or Malevolence, to Good or to Evil. And we have seen Christians and Mahometans exchange Principles, as it were by mutual Consent; These inviting their Fellow-Creatures, tho' of an adverse Religion, to share the Blessings of Peace and Plenty under their Government; and Those driving their Countrymen and Fellow Christians from the common Participation of Earth and Air. But if any particular Distinction is to be admitted between the Sects and Societies of Men and Men, Mr. Serjeant has been very unhappy in

in pointing this Distinction to the Disadvantage of the *Irish*, a People noted, to a Proverb, for their Hospitality and Benevolence; and whose Ancestors, from the Year of Christ 500 to 1002, are recorded in History, for Arts, as for Arms, for a Nation of Heroes and an Island of Saints.

Love annihilates Faults, Hatred creates them. While we are leagued in Faction or Friendship with any People, their Merits are magnified and their Blemishes disappear: But should a Breach ensue, their Merits will strait vanish, and every Fault will return and grow upon our Sight.

Indeed the Principles of every Sect and Faction are thought better of, than they deserve, by Those who class with them, and much worse than they deserve by Those who oppose them. They are mutually mistaken, misrepresented, and vilified by All who are in a State of civil or religious Warfare with Them. We first feel a Propensity to believe Evil of our Adversaries, and, afterward,

ward, to hate and punish them, on that Presumption.

It is very unhappy for this depressed People that, of the several Hands who painted the Originals from which Mr. Serjeant has compounded his Pourtrait of Papists, Each was interested or inclined to shade and to blacken, without one charitable Teint, or lenient Touch of the Pencil. In Truth these Pencils were, All, in Protestant or, rather, Puritan Hands; and, who would dare to step forth in Vindication of Wretches whom Power, joined by Prejudice, had crushed and condemned? Wherefore, since the Historians of those Times can afford them but few Friends, let us try what we can gather from the Mouths of their Enemies that may, in any Degree, avail them for the Discovery of Truth,

Mr. Serjeant informs us, on the Authority of a noble Author, that during the Reigns of our first *James* and our first *Charles*, the Roman Catholics of *Ireland* enjoyed every

B temporal

temporal and spiritual Privilege, equal with Protestants whose Religion was established by Law. But, was Mr. Serjeant and his noble Author under any Necessity of forgetting or passing over what every Subject in *England* was obliged to take Note of, to wit, the Statute of the 2d of Queen *Elizabeth*? The Tax on *Irish* Roman Catholics, of 12d. per *Sunday*, for absenting themselves from the Protestant Service, was frequently exacted with Rigour in both those Reigns. In the Year 1629 a strict Proclamation issued against the Exercise of the Popish Rites and Ceremonies. In 1633 the Roman-Catholic Clergy of *Dublin* were suppressed, fifteen Chapels were seized on for the King's Use. The Fryars and Priests were so persecuted that some of them hanged themselves, (as Doctor *Borelace* jestingly phrases it) in their own Defence. And Numbers of the *Irish* from Time to Time, had been fined and imprisoned for refusing the Oath of Supremacy, an Oath, of all Others, that no Papist can possibly take, consistent with his Conscience.

The

The Roman-Catholics, on these Occasions, earnestly petitioned to be tolerated in the Exercise of their Religion, and, on that Condition, proposed, at their special Cost, to maintain an Army of five thousand Foot and five hundred Horse for his Majesty's Service, but this Offer was rejected. And thus these People, whom Mr. Serjeant has represented to be so happy in the full Enjoyment of all spiritual Privileges, were not only prohibited from exercising the Religion of their Conscience, They were also compelled, under the Pains of Fine and Imprisonment, to conform to a Religion that was contrary to their Conscience; a Grievance rarely imposed by the severest Tyrants, and what no Government on Earth can have a Right to enjoin.

Let us now see how much better these People were situated, with respect to Temporals than Spirituals; for it would be extraordinary, indeed, if Mr. Serjeant should happen to be equally mistaken in two such capital Articles.

In the Beginning of the Reign of *James I.* the Roman-Catholic Natives of *Ireland* were seized of most of the Lands in that Kingdom, as their Forefathers had been, from Generation to Generation, during several Centuries.

This was a Circumstance by no Means agreeable to Some of the Reformed who, envying and coveting the Richness of those Possessions, wished at once to extirpate every Papist from the Realm, and to take their Estates into Protestant Tutelage.

With this View, some greedy Politicians, who were near the Throne, prevailed upon his Majesty to set up a civil Inquisition in *Ireland*, for the Discovery of defective Titles, whereby it was decreed to seize all Lands, &c. in the Name of the Crown, whereof the Proprietors should not be able to produce and to prove a legal Conveyance. This they were very sensible was generally impossible, forasmuch as, in Times of long Warfare and National Distraction, the Offices of Record, with the Houses of the chief Natives, had been pillaged or burnt, whereby almost
all

all ancient Title-Deeds had been lost or destroyed.

It is One of the first Laws of Nature and Reason, and the Custom of almost all Nations upon Earth, respecting Property, that *Possession makes a Right against all who cannot produce a worthier Claim.* Upon this Law, our Statutes of Limitation are now most equitably founded. For if, in a certain Number of Years, no Claimant appears against a Possessor, it is a Presumption, amounting to Proof, that the Possessor, himself, has the worthiest Claim. But, neither the Laws of Nature, Reason, or Custom, nor Possession for several Centuries, proved sufficient, at those Times, to preserve to *Irish* Catholics the Inheritance of their Ancestors that was cruelly rent from Them, by this iniquitous Court, as the Committee of the *Irish* House of Commons complained, in 1634, “*to the utter Overthrow of many noble and deserving Persons that, for valuable Considerations of Service, or Money, or Both, honourably and fairly acquired those Estates.*”

During the Reign of *James I.* this Business was vigorously and effectually prosecuted, under the Administration of his Deputy, *Sir Arthur Chichester*, who, accordingly, was rewarded with a Dividend amounting to the yearly Value of ten thousand Pounds *Ster.* a Fortune next to Princely in those Days.

During the Reign of *Charles I.* this same Inquisition, after defective Titles, was prosecuted with equal Application by his Deputy Lord *Falkland* who received, in one Sum, a Gratuity of ten thousand Pounds *Sterling.* And, again, the Earl of *Strafford*, perceiving what a high Recompence his Predecessors had found, determined to exceed All in his Diligence on the Occasion. He is not ashamed to tell us that he proposed to have his Inquisition attended with a Body of *five hundred Horse, as good Lookers on.* That he further resolved to treat with Such as might give Furtherance in finding the Title for the King. That he enquired out *fit Men* to serve upon the Juries. That he found great Advantage in granting the Judges a Portion.

And,

And, in the County of *Galway*, when a Jury refused to dispossess the Natives and find the Title in the King, he fined the Sheriff that returned them a thousand Pounds, and bound over the Jury to answer in the *Castle-Chamber* “*where,*” says he, “*we conceive it is fit that*” “*their pertinacious Carriage be followed with all*” “*just Severity.*” And agreeable to said Measures four whole Counties in *Conaught* were further found for the King, as also a great Extent of Territories in *Munster*, and the County of *Clare*. *Temple’s Hist.* p. 13.

Such was *the blessed Condition* in which Mr. Serjeant and Lord *Clarendon* are pleased to tell us that the Roman-Catholics of *Ireland* lived during the said two Reigns. Deprived of their Patrimony and Inheritance upon *Earth*, and prohibited from worshipping *Heaven* according to their Conscience, what Prospect was left them for *Here* or *Hereafter*? A Worm, when bruised, will turn, but these People, notwithstanding the Severity of their Sufferings, still continued within the Pale of Peace and Allegiance.

At length, the Animosities that subsisted between the King and his Parliament began to flame abroad. A Rebellion broke out, in *Scotland*, that was countenanced and abetted by the Puritan Party, in *England*. The Puritan Party, in *Ireland*, had got the Reins of Government into their Hands, and were spirited and strengthened by the Counsel and Encouragement of their Friends in *England*. And both the Church and the State, as then established by Law, began to be threatened, with final Dissolution, by Those who thought themselves of Ability to give both the Gospel and Law to the Land.

In such Times, and at such a Juncture, what had wretched *Irish* Catholics to hope from Rulers who then meditated, and soon after effected, the Downfall even of Monarchy and Episcopacy itself? Indeed these depressed People, then, looked for nothing less than utter Extirpation; nor were their Fears and Surmizes without an adequate Foundation.

Before

Before they offered to swerve from their Obedience to Government, Sir *William Parsons*, One of the Lords Justices, at a public Entertainment, before many Witnesses, did positively declare that within a Twelvemonth no Catholic should be seen in *Ireland*.

It was also currently rumoured that the Rebels of *Scotland* proposed to invade them with an Army of 10,000 Men, and put Man, Woman and Child to the Sword. And a Report at the same Time prevailed among Them, as Doctor *Maxwell*, afterwards Bishop of *Kilmore*, deposeth, that *the Parliament of England* had a Plot to bring them all to Church, or cut off all the Papists in the King's Dominions. Even the King himself, against whom they are said to have rebelled, apologizes for them in his *Eck. Basilic*. "where" (he says) "that Despair being added to their former Discontents, and the Fear of utter Extirpation to their wonted Oppressions, it was easy to provoke them to open Rebellion, &c."

Thus,

Thus, it should seem that these distressed People arose, not through any Defect of Allegiance to their King, of due Obedience to Government or of Good-Will or Affection to their Protestant Brethren. They judged that such an Insurrection was indispensably necessary to their *Self-Defence*, the *first great Law* of Nations as of Nature: And they judged, at the same Time, that they were effectually serving their King and the Constitution, as is evident from the Marquis of *Clanricarde's* Letter to his Majesty, 26th of *October*, 1642, wherein we find the following Passage. —

Serjeant Statute.

My Lords, I must beg Permission, at this Time, to interrupt Mr. *Candour*.

Supposing we allowed that the Roman-Catholics of *Ireland* were persecuted and oppressed in the Manner he suggests: Supposing, I say, we granted that the Motives of their Insurrection and Rebellion against Government were founded on such Facts as he has set forth. Can This, however, be, in any Measure a Justification of the horrid Barbarities

barities that ensued thereon, committed, almost wholly, on the Helpless and Inoffending, on Those who had neither the Power, nor the Will to promote or contribute to the Least of their Sufferings? Good Heaven, to what an Infernal Depth may Humanity be degraded! to what Excesses will bigotted Zeal and bloody Enthusiasm conduct their Votaries! What, fifty Thousand slaughtered, perhaps in one Night, unsuspecting, confiding in the Friendship of their Butchers? one hundred and fifty Thousand massacred, within the Space of two Months; unprecedented Cruelty! dreadful Facts, long affirmed by unquestionable Testimonies, that no Eloquence can palliate, nor Sophistry evade. These are shocking Imputations, They are weighty Truths, indeed. They have lain heavy on this People for a hundred and twenty Years, and are likely to lie upon them, from Generation to Generation, as long as any Distinction remains between Protestant and Papist.

Counsellor

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury. I am not insensible of the many Disadvantages that I happen to lie under in my Answer to this Part of Mr. Serjeant's Charge. He rightly observes that this heavy Imputation, whether just or unjust, has long lain and still lyes on this unfortunate People. It is a Prejudice deeply rooted in the Minds of Protestants, a Matter so received and credited by all as not once to be controverted or examined by any : And, though we and they are equally the Sons of *Adam*, and that neither they nor their Fathers, nor the Fathers of their Fathers had any Act or Part in this bloody Business; yet, their being the more immediate Descendents of Men, who are said to have treated Protestants with such Inhumanity, leaves an Impression of Jealousy and Disgust on our Hearts that may not be suddenly and easily erased.

I have already confessed that I know of very few Writers, of the Roman-Catholic Sect or Party, on this Subject. If any there were, yet, who would dare to print or publish

lish a Syllable in Favour or Vindication of Papists, during the Regency of *Oliver Cromwell*? Or if such Things were printed, they were suppressed by Authority, or have perished in a Corner for want of Sale.

Now, though the Testimony of their Enemies, when against these People, may be justly suspected; yet, should those Enemies advance any Thing that tends to their Justification, such Testimony must claim a double Credit, as nothing less than the Rack, or the greater Force of Truth can be supposed to extort it.

For all that I have advanced or shall, hereafter, advance in this Argument, I have here in my Hands unquestioned Authorities, to which I beg leave to refer your Lordships and the Jury, on any Controversion or Doubts that may arise.

The Writers of chief Note, who have treated of the said Rebellion of 1641, are Lord *Clarendon*, Sir *John Temple*, and Doctor *Borlase*.

Lord

Lord *Clarendon* was an *Englishman*. He, probably, had never been in *Ireland*. His Attention was nearly confined to the Concerns of his native Country. He took some Things from Rumour, from People struck with Pannics, whose Fears and Antipathies magnified Mole-hills into Mountains. And some other Things he took on Trust from the said cotemporary Historians, without recollecting, and, possibly, without being apprised that They were so deeply interested in blackening and suppressing the *Irish* Catholics, with whom they lived in continued Enmity, and by whose Ruin They prospered. Lord *Clarendon* was, himself, deceived; but these Men intended to deceive others.

They tell us in the first Place, that, by Conspiracy and special Appointment, on the 23d of *October*, 1641, a Rebellion broke out through *Ireland*, and that the Insurrection was universal, except in *Dublin*. Secondly, that forty or fifty thousand Protestants were butchered before Notice or Time sufficient for avoiding the Danger. And, Thirdly,

ly, that, within the two first Months of the Rebellion, more than one hundred and fifty thousand Protestants were massacred in cold Blood.

Now, My Lords, if, either directly, or by necessary Implication, I can prove from the Mouths of Protestants, from the Mouths of Puritans themselves, even of Those in highest Station, and who, from the Nature of their Place, must have known more of these Matters than all Others; if I can prove, I say, from such unquestionable Testimonies, that each of the above three Articles is false; it must follow that such Scandals were vented and propagated, on Purpose to perpetuate Division and Rancour between the Inhabitants of that unhappy Country: And *Irish* Protestants will, thenceforth, learn to behold their Catholic Countrymen with Eyes of future Charity and brotherly Benevolence.

From the first *English* Invasion in the Reign of *Henry* the second to the Reign of Queen *Elizabeth*, the *Irish* had generally lived in a State of savage Anarchy. They had
been

been deprived of their own Governors, their Constitution and Laws, without having Others duely substituted in their Room. It is true that *England* sent them Rulers from Time to Time; but those Rulers were as Planets, that looked down upon the *Irish* with Aspects of malignant Influence, nor once offered to receive Them within the Sphere of common Protection and Beneficence. No spiritual Distinction as yet subsisted between them; the Contention was of Papists against Papists; but the Words *English* and *Irish* served as *Terms of War* sufficiently virulent, without the Whetstone of Religion to sharpen their Ferocity.

A certain *ancient Personage* once offered to make a Gift of this whole World, and all the Glories thereof, upon the Party's barely doing him a single Act of Homage. In like Manner, Pope *Adrian* had made a Present of all *Ireland* to *Henry* the second, although the Popes of *Rome*, from the Birth of *St. Peter* to the Invasion of the *English*, never had a Foot of Land nor a Grain of temporal Authority

thority in that Kingdom. And lastly, the Kings of *England*, on the same righteous Title, had divided the whole Island between a Few of their *English* Subjects, and left Them to get it from the *Irish*, as well as They could. And thus it should seem, that People are never inclined to be more bountiful, than when they make Donations of the Property of Others.

Hence it came to pass that during a long Interval of upward of three hundred Years, from *Henry II.* to *Queen Elizabeth*, the *Irish* looked on the *English* as Invaders of their natural Rights and Properties; and the *English*, under Colour of the said Gifts, looked on *Ireland* as lawful Prize, and on any Opposition, to their Will, as Rebellion. The *English*, as Lords paramount, treated the *Irish*, as Vassals, with an insolent Severity; and the *Irish*, like a Horse reluctant to the Rider, still laboured to discharge themselves from the Lash and the Rein. Hence, perpetual Fears and Jealousies, and Oppressions, on the one Part, and on the Other, Discontent and frequent

C

quent Insurrection. When the *Irish* were Offenders, they had rarely other Trial save That of martial Law; and when they were offended, they had no Redress to look for in any *English* Court against the *English*.

In this State of frequent Warfare and continual Animosity, the *English* and the *Irish* had scarce any other Employment than reciprocally to guard themselves against Each other.

The Blessings of Peace, of Unity and Community, were altogether Aliens to this desolate Kingdom. Amidst loose Morals and savage Manners, mutual Rancours and Rapines, what Urbanity could be cultivated or Civility found? No Trade could circulate where no Intercourse of Safety or Amity was provided. All Arts were rooted out; the Practice and Methods of former Crafts and Manufactures were wholly forgotten; and even the Sound of the Hammer was scarce heard in the Land, save for forming or sharpening the rude Instruments of Battle.

Could any Land be cultivated, could Agriculture take Place, where the Sower was
doubtful

doubtful of the Hand that should reap ? While the *English* and *Irish* mutually coveted and grasped at the Possessions of Each other, the Precariousness of Property, on either Part, discouraged them from that Industry which was necessary for the Encrease of what was honestly their own. This naturally produced Indolence, and Indolence produced Want, and Want as naturally withheld them from the Propagation of their Species, which was further abridged and thinned by the Waste of frequent Wars.

Queen *Elizabeth* wished to put an End to these Evils. She wished to unite both Parties as one People under one Monarch ; so as All should enjoy, in common, the Advantage of the Laws, under a free Constitution : But the Ministers, appointed for such beneficent Purposes, were very far from answering to the Worth of her Intentions, and many lawless Practises and unwarantable Severities continued to be exercised toward the *Irish*.

The Majority of the *English*, in that Kingdom, were now, also, of the reformed Religion.

ligion. This served to administer new Matter of Distinction and fresh Cause of further Dissention and Quarrel. The late Conformists imagined that they could not better prove the Truth of their own Religion, than by persecuting their Brethren of a different Persuasion; and the Act of *Uniformity* and the Act of *Supremacy*, so severe to be imposed, and so impossible to be complied with by Roman-Catholics, against their inward Dictates of Duty and Conscience, began to be enforced with much Rigour.

They now apprehended, with some Appearance of Reason, that they should be compelled to forsake the Religion of their Forefathers, to which they were more attached than to all temporal Possessions; and indeed Sincerity in Religion, whether well or ill founded, is the best Security we can have of the Integrity or Morality of Mankind.

This Fear of the Excision of their Ecclesiastical System, with the many civil Oppressions that they continued to labour under, united to excite the native Roman-Catholics
of

of *Ireland* to three several Rebellions during the Reign of Queen *Elizabeth*, the last of which was very formidable under *Tyrone*, and could not be suppressed without great Cost and Difficulty. And this War again conduced to depopulate the Land, and still further to exasperate the *English* and *Irish*, the Protestants and Papists, against Each other.

What ensued, during the two succeeding Reigns, respecting the present Argument, is already recited. The Trumpet of War for a Time, had ceased to blow. The native *Irish* began to warm themselves in the Sunshine of a lawful and just Government. They were now free to plead in those very Courts, where they could rarely obtain the Privilege of being impleaded. They got a Glimmering of the Advantages of a free Constitution, by several particular Instances of the Guardianship of their Persons and the Security of their Properties. And had not those very Laws (to which this distressed People gladly fled for Protection) like *Penelope*, unravelled the Web they had woven, *Irish* Catholics would

would have sat down, in Peace and Contentment, the most pleased and the most grateful of all Men upon Earth.

At the Beginning of the Reign of *James I.* it was found that the many Discouragements to Propagation, with the Waste of frequent and long Wars, had left but few Inhabitants in the Kingdom of *Ireland*. The Sword, it is true, was sheathed for the present; but the Commotions in the Minds of *English* and *Irish*, of Protestants and Papists, like the Sea after a Storm, took a long Time to subside; and the Custom of settled Peace, with the Assurance of domestic Quiet and Family-Enjoyments, are necessary to the Encouragement of matrimonial Establishments.

Hence it happened that, at the Insurrection of 1641, the Inhabitants of *Ireland* had not encreased, in the Proportion that might have been expected, during a Truce, as I may say, of forty Years.

About that Time, the largest Towns in the Kingdom were very thinly peopled; the
 Number

Number resident, even in the Metropolis, scarce amounted to twenty thousand Inhabitants; and Sir *William Petty* and Others compute that the *British*, including both *English* and *Scotch*, were in Proportion to *Irish* Catholics, as two to eleven, and did not exceed 225000 in the whole Realm. Now, one Third of the said Number were all *Scotch*, or of *Scotch* Extraction, who had settled in the six escheated Counties of the Province of *Ulster*, and had there established so very formidable a Colony that the *Irish*, during these Troubles, did not dare to attempt them. Wherefore if, independant of the said *Scotch* Colony, one hundred and fifty thousand *English* Protestants, as is said, had been massacred during the two first Months of this Insurrection; not a single *English* Protestant had been left in the Kingdom; and here a Period, at once, had been put to the War or, at least, to all Contention between Protestants and Papists in that Country. But, I should previously have answered to the *first Article* of the Charge, that *on the 23d of October, 1741, this Insurrection was universal except in Dublin.*

When

When the News of a Rebellion first reached the Metropolis, as the Pannic of the People was great, their Apprehensions had no Limit, and the Government imagined that the Conspiracy and Insurrection had been universal. They accordingly issued a Proclamation, without Distinction, against all *Irish* Papists as Traitors to the State; but, on better Information, they acknowledged and reformed the Error, of this first Proclamation, by a Second. wherein they declare and publish that “ by the Words *Irish* Papists (mentioned without Distinction in the former Proclamation) they intend only such of *the old mere Irish in the Province of Ulster*, as had plotted, contrived, and been Actors in that Treason, and Others who adhered to them.”

In the Journal of the House of Lords, in *England*, we find among other Passages of a Letter, written to the Lord Chamberlain and dated the 14th of *November*, 1641, the following remarkable Words, “ That the Province (*Conaught*) wherein his Lordship (*Clanricarde*)

“ (*Clanricarde*) is, doth utterly dislike the
 “ Proceedings of the Rebels—and that the
 “ whole Province of *Munster* is yet quiet.”
 In a Letter of the same Date to the Earl of
Bristol, the Earl of *Clanricarde* says, that “ at
 “ first he was on a sudden surprized with the
 “ most fatal News of a desperate Rebellion
 “ in the North, and a Rumour of a general
 “ Combination and Conspiracy throughout
 “ the Kingdom. But, (he adds) we begin
 “ to recover our Wits, scared away by the
 “ first Reports, and to discern that None
 “ appears in this detestable Conspiracy, or
 “ enters into Action, but the Remains of the
 “ ancient *Irish* Rebels in the North, and
 “ some in the planted County of *Leitrim*.”
 And, in a Letter dated the 14th of the fol-
 lowing *December*; from the Lords Justices,
 Sir *William Parsons* and Sir *John Borlase*, to
 the Lord Lieutenant of *Ireland*, then in *Eng-*
land, They write “ That the Fire, which
 “ was first kindled in *Ulster* and lay a-while
 “ smothered in other Parts, begins now to
 “ break out generally.”

Serjeant

Serjeant Statute.

With the good Leave of the Court I must observe; that it is no Way material to the present Argument, whether this Insurrection was general on this or on that particular Day, or whether the Fire of Rebellion first broke out in this or that particular Province; provided the Murders and Massacres charged, were committed and perpetrated, within the Time specified, either in this Province or that Province, or in any Part of the Kingdom.

Councillor Candour.

Your Pardon, my Lords, if a Witness comes into Court, and is found to prevaricate in the first Part of his Evidence. If other Witnesses, of unquestionable Credit, shall prove, that he begins his Deposition with Allegations clearly contrary to Truth and to Fact; what shall hinder us from inferring that such a Witness may, equally, have misled us in the subsequent Part of his Testimony?

But further—With your good Leave, my Lords, and Gentlemen of the Jury, I apprehend

hend and do insist that it is extremely material, to the present Argument, to shew, as I have done, that this Infurrection was very far from being general, either on the first Day, or in the first Month, or in the two first Months succeeding to the 23d of *October* ; Forasmuch as I shall hereafter prove by a Croud of Testimonies, that such an Infurrection was, by no Means, the general Intention of this People. That they avoided its Commencement, That they detested its Consequences, That they were artfully and violently impelled thereto, with a View to the Forfeiture of their Lives and Fortunes. And, that they had no other Resource, no other Option, than patiently to endure the Sword and the Halter, or *to stand for their Lives.*

It may however be necessary, before I enter on those Proofs so requisite for the Mitigation and Removal of Prejudices long established against this unhappy People ; it may, I say, be previously necessary to clear them of the second and third capital Imputation, so heavily charged upon them by Mr. Serjeant

jeant Statute; to wit, that forty or fifty thousand Protestants were murdered before they suspected themselves in Danger; and that one hundred and fifty thousand were massacred in cold Blood during the two first Months of this Rebellion.

Sir *William Petty* informs us that thirty seven thousand *English* were massacred, during the first Year of this Rebellion. This, indeed, is somewhat less than one hundred and fifty thousand, within the two first Months. But, neither shall we give Credit to this Gentleman. He was principal Secretary to *Ireton* the Regicide. He himself, got five or six thousand Pounds yearly Inheritance by the Forfeitures; and he righteously conceived that All were massacred, whose Blood was shed by the Rebels, though in Battle and equal Combat.

Let us rather attend to the Testimony of the Lords Justices themselves, who principally provoked and excited this Insurrection, and who persisted in their Provisions of constant Fuel for supporting and spreading the Flame they had raised.

The

The Lords Justices and Council of *Ireland*, by a Letter dated the 25th of the said formidable *October*, acquaint the Lord Lieutenant, that the Rebels had possessed themselves of the Castle, Wife, Children, and Servants of the Lord *Blaney* in the County of *Monaghan*. As also, of the House of the Earl of *Essex* called *Carickmacrofs*. As also of the House of Sir *Henry Spotwood* in the same County. That they had, further, plundered a Town and Plantation of the *British*, had burned diverse Houses, had burned diverse other Villages, and robbed and spoiled many *English*, and none but Protestants, leaving the *English* Papists untouched as well as the *Irish*. That they had broken open the King's Store of Arms and Munition, at *Newry*, wherewith they had armed themselves, and had plundered the *English* there, and disarmed the Garrison.

Now, my Lords, in all this long Accout, of various and manifold Violences and Injuries, we have not a single Syllable tending toward Murder, or even toward Maim-
ing

ing or any personal Hurt. No, not even tending toward any Insult to the Men, or Indecency to the Women. And yet they close their Intelligence with this remarkable Assurance, even the joint Assurance of the Government, “*That, This, though too much, is all that they yet hear is done by the Rebels.*”

I take Leave to pause a little.—I wait to know whether Mr. Serjeant has any particular Exception to the Testimony of the Lords Justices and Council of *Ireland*, or whether he thinks them deserving of any Credit in this Case.—But, I see he is distressed. I will urge him no further on this Article.

It must be confessed, however, that Doctor *Borlase* and Sir *John Temple* presume to know more, of these Matters, than the Lords Justices and all the Council of *Ireland*, put together.

Borlase informs us that “In his Time it
 “ was confidently averred by the *Irish* that
 “ not above Seventeen were killed at the
 “ Beginning of this Infurrection.” This he
 calls

calls a bold Assertion. But he does not attempt to disprove it, which he certainly would have done, if warranted by Facts or any Colour of Truth.

Sir *John Temple* admits that “ The *Irish* “ at the very first, for some few Days after “ their Breaking out, did not in most Places “ murder many *English*; but the Course they “ took was to seize upon all their Goods and “ Cattle.” He affirms, indeed, “ that there “ were some Murders committed on the first “ Day of these Rebels rising.” But then he says not where, by whom, or on whom such Murders were committed; and he adds that “ These he conceives were, for the most “ Part, done out of private Spleen, or where “ they had particular Instructions so to do; “ but certainly, (proceeds he) That which “ these Rebels mainly intended at first, and “ most busily employed themselves about, “ was Driving away *Englishmen’s* Cattle, and “ possessing themselves of their Goods.”

But, let us proceed to the last Day of those two fearful Months, in which it is said that
more

more *English* Protestants were massacred than were actually, at that Time in the Kingdom of *Ireland*.

On the 23d of *December*, 1641, precisely two Months from the Day of the Infurrection, the Lords Justices issued a Commission, in his Majesty's Name, directed to several Magistrates and Gentlemen of the Province of *Ulster* and elsewhere. And in this Commission it is recited that “ Whereas diverse wicked and disloyal People have lately risen in Arms, in several Parts of this Kingdom, and have robbed and spoiled Many of our good Subjects, *British* and Protestants, who have been seperated from their several Habitations and scattered in most lamentable Manner; and forasmuch as it is needful to take due Examination concerning the same: Know Ye, that We, reposing special Trust and Confidence in your Care, &c. have nominated and appointed You to be our Commissioners, &c. to call before You and examine upon Oath, &c. as well all such Persons as have been robbed

“ ed and despoiled, as all the Witneffes that
 “ can give Testimony, therein, what Rob-
 “ beries and Spoils have been committed on
 “ them since the 22d of *October* last, or shall
 “ hereafter be committed on them or any
 “ of them; what the Particulars were, or
 “ are, whereof they were or shall be so rob-
 “ ed or spoiled; to what Value; by whom;
 “ what their Names are, or where they now
 “ or last dwelt, that committed these Rob-
 “ beries; on what Day or Night the said
 “ Robberies or Spoils, committed or to be
 “ committed, were done; what traiterous
 “ or disloyal Words, Speeches, or Actions,
 “ were then, or at any other Time, uttered
 “ or committed, by those Robbers or any
 “ of them, and how often; and all other
 “ Circumstances concerning the said Parti-
 “ culars, and every of them: And You, our
 “ said Commissioners, are to reduce to Writ-
 “ ing all the Examinations, &c. and the
 “ same to return to our Justices and Council
 “ of this our Realm of *Ireland*, Witnefs, &c.

D

Never

Never, sure, was a more minute Enquiry enjoined to be made, by Protestants, of Damages done to Protestants: It reaches even to the Treason of Words and Circumstances. But, is there any Enquiry enjoined here, concerning Murder, or are any such Murders intimated, or supposed to have been committed before the Issuing of this Commission? The Protestants, it is true, are here said to have been robbed, and spoiled, and driven from their Habitations, and scattered abroad; but they are called together, again, with their Adherents and Witnesses, to be examined, *viva Voce* as One would imagine, touching the Damages they had suffered; a pretty strong Implication that they were not murdered. For, otherwise, it should seem that a Commission to enquire into the Murder, as well as the Spoil of one hundred and fifty thousand, ought to have been directed to such Magistrates, as *Æacus* and *Radamanthus*, who might have Authority to take the Depositions of the Deceased.

Serjeant

Serjeant Statute.

My Lords—there is no bearing the Influence of such a supposed Triumph. We may shortly expect to be told, by this Gentleman, that there never was such a Thing as the Rebellion of *Forty-one*. He may possibly even except to the Depositions, legally taken, of the Multitude of bloody Butcheries committed by this People; Depositions that have stood the Test of all Time and Enquiry; entered on Record, transferred into History, and open to the Perusal, as well as impotent Cavil and Contraversion of all People these hundred Years and upward.

Counsellor Candour.

I do except to those very Depositions, Mr. *Serjeant*. They were taken by prejudiced People, and ought, therefore, to be suspected. Many of them are said to be the genuine Depositions of Persons who could neither write nor read, and who, consequently, were ignorant of the Contents of the Papers to which they set their Mark. Many Others were taken warm from Persons just arrived,

in their Flight from the Enemy ; their Pan-
 nic naturally heightened the Terrors of their
 Imagination ; and each of them came like the
 Messengers to *Job*, and cried, *I only am left to
 tell the Tale* ; in their Concern for their Kindred
 and Friends behind, they actually conceived,
 and were ready to depose, that All were put
 to the Sword without Exception ; and, in fact,
 they swore, specially, to the Murder of se-
 veral Protestants who, ten, twenty, thirty,
 and forty Years, afterward, were living Wit-
 nesses of the Falseness of these Depositions.

I should, lastly, be glad to know what
 Degree of Credit a Gentleman, of Mr. Ser-
 jeant's slender Faith in other Matters, is like-
 ly to give to some of these same Testimo-
 nials that have, so veritably, stood the Test of
 all Time and Enquiry.

They tell us that a Man was wounded in
 several Places ; that his Body was ript up,
 and his Bowels taken out ; during all which
 he shed not one Drop of Blood.

Again

Again they tell us of a young Person whose Flesh was Proof against Steel, and, like the *Stygian Achilles*, could not be pierced.

And again they tell us that “ Hundreds
“ of the Ghosts of the Protestants, that
“ were drowned by the Rebels at *Portadown*
“ Bridge, were seen wandering about that
“ Place, and heard crying for Revenge.”
From which Deposition we must infer, that these Ghosts were as duely numbered as they were truly sworn to; but that they were not Ghosts of a very forgiving Temper, who thus carried their Desire of Revenge beyond the Grave.——Alas! Revenge enough, as I can shew, had been taken already.

Serjeant Statute.

My Lords, I request to know from the Council for the Accused, whether he admits that any Massacres, or Murders, were at all committed by *Irish* Catholics, during the Course of this Rebellion? Or, if any Rebellion there were, whether it might not have been a very placid Kind of Business, and wholly innocent of Blood?

Counsellor Candour.

There were, indeed; there were, Mr. *Serjeant*, too many Murders and Massacres committed on both Sides. But, not by the People properly called *Protestants*; nor, properly speaking, by the People called *Irish Catholics*. They were committed on the one Part, by a *fanatic and enthusiastic Soldiery*; and on the other, by a *savage and exasperated Rabble of Irish Banditti or Free-booters*. *English Protestants* and *Irish Papists* were, alike, Sufferers on the Occasion. The Generality, of the *One* and the *Other*, had in no Degree either fought or provoked the Quarrel, and yet they were mutually made the Victims thereof; and the Helpless and the Innocent, on either Part, were cast to the Swords of the Guilty and the Offending. Indeed, in such Times of Anarchy and utter Misrule, it is impossible but that many Offences must come.

Suppose that, for a Term of twelve Months from this present Day, all Government should happen to cease, or be withdrawn from any One of the best civilized Commonwealths

wealths upon Earth; and that all the Members, of such Community, should be left, without Account, to the Licentiousness or Propensity of their own Inclinations. Here is no Rebellion, no Conspiracy, no previous Appointment or Intention of Massacres; but, will That be a sufficient Protection from Damage? is there not in all Climes, in all Countries, and Sects, enough of Wickedness and Violence, in the Natures of Some, to give just Cause of Distrust and Alarm to Others? Strength and Power in this Case would, unquestionably, claim a Right to invade, where Weakness should be exposed without a Protector; and Wolves never yet were wanting to fall upon the Fold, where the Penn and the Fences of Law were laid level.

But, after all the Calamities of any such Misrule, would it not be extremely severe to calumniate and quarrel with the Innocent and Inoffending, merely because They happened to be of the Country, or Kindred, or Profession of the Aggressors? And, would it not be still severer that They, who suffered by

such Licentiousness, should yet be accused of that general Misgovernment which, in all Respects, was their Misfortune, but their Fault, in no Instance?

And now, Mr. Serjeant, with the good Pleasure of the Court, I am willing to decline all further Argument touching the Rebellion, as you call it, of 1641, that we may drop a Veil over the Faults of some Sectaries of those Times, in tender Regard to the Sectaries of these Days, with whom we continue to live in all Peace, Love, and Charity.

Serjeant Statute.

Shoot your Bolt, good Sir, and let it fall where it may. You must not hope to come off so, with a Kind of imaginary Triumph, and your short Campaign of two Months, so successfully passed over.

I confess that I know not how to account for Lord *Clarendon's* Error touching his forty or fifty thousand, affirmed to be massacred on the first Rising of those Rebels. This must have been an Interpolation of some very malicious Enemy of those People. Or,
rather

rather of some artful Friend who, by the Aggravation of so egregious a Falshood, was desirous of covering the Truth of other Facts. Sir *John Temple's* Error, of two Months, is much more easily reformed by supposing, as is most probable, that the Printer had substituted the Word *Months* for *Years*. Such a Concession would, again, set all to Rights, and restore us to our principal Complaint against this People, *that one hundred and fifty thousand Protestants were massacred, in cold Blood, during the two first Years of this Rebellion.*

That this was nearly the Case may be inferred from what Mr. *Candour*, himself, has already allowed; *that the old Irish have always looked upon the English as Invaders of their natural Rights and Properties, And that, like a vicious Horse, they have ever proved reluctant to the Government and Guidance of their Rulers.* Such Sentiments and Propensities, as Mr. *Candour*, himself, hath also observed, occasioned a perpetual Succession of Insurrections and Rebellions. And, at this tremendous

dous and deplorable Period of 1641, when they perceived that *England* was embroiled with *Scotland*, and the King embroiled with his Parliament, They gladly seized the Opportunity of returning to their original Wildness and Anarchy, which they endeavoured to effect and, very nearly, accomplished, by the unprecedented Massacre and utter Extirpation of almost every *English* Protestant within the Kingdom.

Counsellor Candour.

I did affirm, or *allow* (since so you please to term it) Mr. Serjeant, that the *Irish*, during the Space of three hundred Years and upward, looked on the *English* 'as Invaders of their natural Rights and Properties, and that they laboured, during that Time, not like a *vicious* but a *reluctant* Horse, to get rid of the Lash and Rein of their tyrannous Riders. But, I added, Mr. Serjeant, that, in the Reign of *James* and *Charles I.* when these People were received within the Protection of the Laws of an *English* Constitution, when they felt the genial Warmth of a
just

just and free Government; had not those very Laws taken from them with one Hand an Equivalent to the Advantages which they gave with the other, had they not deprived this very People of their Inheritance on Earth, and prohibited them from worshipping Heaven according to their Conscience; *Irish* Catholics would have sat down, in Peace and Contentment, the most satisfied and grateful of all Men living.

I am not single in my Sentiments on this Head. . Sir *John Davis*, Attorney-General to *James I.* and one of the itinerant Judges in *Ireland*, bears the following just and honourable Testimony in their Favour.

“ Heretofore the Neglect of the Law
 “ made the *English* degenerate and become
 “ *Irish*; and now, on the other Side, the Ex-
 “ ecution of the Law doth make the *Irish*
 “ grow civil, and become *English*.——Again
 he says “ I dare affirm that for the Space
 “ of five Years last past, there have not
 “ been found so many Malefactors worthy of
 “ Death, in all the six Circuits of this Realm
 “ (which

“ (which is now divided into thirty two
 “ Shires at large) as in one Circuit of six
 “ Shires, namely, the Western Circuit in
 “ *England*; for the Truth is that, in Time
 “ of Peace, the *Irish* are more fearful to
 “ offend the Law than the *English*, or any
 “ other Nation whatsoever.—And again
 he says “ In this Condition of Subjects they
 “ will gladly continue, without Defection or
 “ adhering to any other *Lord* or *King*, as
 “ long as they may be *protected* and *justly*
 “ *governed*, without *Oppression* on the one
 “ Side or *Impunity* on the Other. For there
 “ is no Nation of People under the Sun that
 “ doth love equal and indifferent Justice
 “ better than the *Irish*, or will rest better
 “ satisfied with the Execution thereof, al-
 “ though it be against themselves; so as
 “ they may have the Protection and Bene-
 “ fit of the Law, when upon just Cause they
 “ do desire it.”

Agreeable to this meritorious and ameneable
 Character, during the whole Course of
 the War, that ensued on the Insurrection of

Forty-one (the only Period of History wherein their bitterest Enemies have ever attempted to brand them with any Dishonour) during that whole War, I say, eight Tenths, of *Irish* Catholics, never offered to stir in any Act of Hostility.

Great Numbers of these People, and especially of their Gentry, were, at that Period, personally attached to the King. They were, universally attached to the Civil-Constitution, They generally detested the Thoughts of any Kind of Opposition to Government; and some thousands of *Irish* Catholics, stood against *Irish* Catholics, on this Occasion, and listed themselves under the Banners of his Majesty and the Commonwealth, in order to reduce their Brethren to Peace and Allegiance.

I say not this, my Lords, without Authority. Mr. Serjeant has quoted Lord *Clarendon*, against these People, permit me, in my Turn, to quote him in their Favour. “ Ma-
 “ ny Persons of Honour, (says his Lordship)
 “ among the *Irish* Catholics had always gi-
 “ ven

“ ven signal Proofs of their Duty and Af-
 “ fection to the King. Others of them were,
 “ by the Passion and Rigour of Those who
 “ were then in Authority, and had Power
 “ enough to destroy whom they had Inclination
 “ enough to suspect or accuse, driven
 “ to put themselves into the Protection of
 “ Those whose Ways and Courses they to-
 “ tally disapproved.”

Hear the Word of a King, also, in behalf
 of this People, where he tells us that the
 Persons then in Authority, “ exasperated
 “ the *Irish* to the most desperate Resolutions
 “ and Actions, by threatening all Extremi-
 “ ties, not only to the known Heads and
 “ chief Incendiaries, but even to the whole
 “ Community of the Nation, resolving to
 “ destroy Root and Branch, Men, Women,
 “ and Children, without any Regard to the
 “ usual Pleas of Mercy, &c.

Hear, again, the Testimony of the Earl
 of *Clanricarde*, then General of an Army of
Irish Catholics; not raised to promote the
 Purposes of Treason or Rebellion, but in De-
 fence

fence of *English* Protestants, the King, and the State.

In a Letter to the Lords Justices, dated *June* 27th, 1642, the General remonstrates that “ The Resolution taken to prosecute
 “ the War with that Severity in general,
 “ &c. hath moved general Distraction, and
 “ armed most Men with Desperation.” And again, in a Letter to his Majesty dated *June* 28th of the same Year, he thus complains.
 “ At this present, the Rigour of incensed
 “ Forces falls in a Manner equally not only
 “ upon the capital Offenders, and others less
 “ criminal, but even upon well deserving
 “ Servitors, Natives of this Kingdom, which,
 “ in my poor Opinion and Observation, will
 “ retard your Service and put all in Despe-
 “ ration; and, for my own particular, it
 “ will not only disable me from Service,
 “ but draw a certain Ruin upon me, having
 “ not the Honour to have *English* Forces
 “ under my Command, but what I am to
 “ act being to be performed by Those that
 “ conceive

“ conceive themselves destined to Destruction,
 “ on, let their Endeavours be never so loyal.”

With the good Leave, and good Patience, of your Lordships and the Jury, I will give a brief and natural History of this Affair.

The civil and religious Severities that *Irish* Catholics laboured under, in the Suppression of their Religion and the Resumption of their Lands, had given a general Disgust to All, and had, more especially, exasperated Those who lost their Estates, many of whom, though Catholics, were of *English* Extraction.

The Parliament of *Ireland*, from time to time, had remonstrated to the King on the Article of civil Grievances, and his Majesty had promised a gracious Redress; but this Redress was industriously evaded, from time to time, at first by the Earl of *Strafford*, and afterward by the Lords Justices and Council of the Kingdom.

Mean while, the Chiefs of the Malecontents, and principal Sufferers, being advised
 of

of the Commotions in *Scotland*, and of the Fomenting of Jealousies between the King and *English* Parliament, looked on this as a fit Season, with the Assistance of foreign Forces, to recover their lapsed Estates, and to re-establish the Religion of their Forefathers.

In this View, they warmly, though privately, solicited Aid from the several Catholic Powers of *Spain*, *France*, and *Italy*. But, a Design of this Importance could not be so secretly conducted but that Intimations, thereof, were sent to the King from abroad, which Intelligence he transmitted to his Governors of *Ireland*, who were further apprized of the same, by early Notices from several private Persons within the Realm.

These Governors consequently, if so they had intended, might have crushed this growing Offspring of Rebellion in the Egg. Or they might better have removed the original Seeds of Discontent, by hastening those Graces which the King had engaged to grant. But, whether They were most inclined to
E quash

quash, or to foster, this Embryo of Rebellion, we come now to enquire.

The Commons of *Ireland* had employed a Committee of their own House, as Agents to his Majesty, for the obtaining of two Acts, to be passed in their present Parliament, which Acts, as Sir *John Temple* informs, us, were *most impetuously desired by the Natives*. The One (says he) *was the Act of Limitations, which unquestionably settled all Estates of Land in the Kingdom quietly enjoyed, without Claim or Interruption for the Space of sixty Years immediately preceding.* The other was for the Relinquishment of the Right and Title, which his Majesty had to the four Counties in Conaught, legally found for him by several Inquisitions taken in them, and ready to be disposed of, upon a due Survey, to British Undertakers, as also to some Territories of good Extent in Munster and the County of Clare, upon the same Title.

Agreeable to this impetuous Desire of the Natives, these Agents had obtained the royal Assurance of the said Acts, with further Graces. They were now on their Return to
Ireland.

Ireland. The Lords spiritual and temporal, and Commons, in Parliament assembled, had supplicated his Majesty that that Parliament might not be prorogued or dissolved until such Time as said Bills were found in Parliament, and other Grievances removed. And the King had written his express Commands to the Lords Justices to suffer that Parliament to sit until his Majesty should think fit to determine the same.

But now it was that these same Lords Justices, in direct Opposition to this impetuous Desire of the Natives of *Ireland*, to the Supplication of both Houses in Parliament assembled, and to the express Command of the King himself, did arbitrarily adjourn the said Parliament for three Months, and did, thereby, preclude the Intention of the said Acts and Graces which, unquestionably, would have quieted the Minds of the People and, consequently, have prevented the ensuing Insurrection. And hence it appears that the Lords Justices, and Council of *Ireland*, had already set the royal Authority at

Nought, and had taken the Reins of Government into their own Hands.

Serjeant Statute.

My Lords, If my Notes do not deceive me, Sir *John Temple* assures us that the said Lords Justices, *Parsons* and *Borlase*, were content to draw up the said two Acts of Limitation and so forth, to be passed in the Parliament.

Counsellor Candour.

Sir *John Temple*, indeed, gives That as his Opinion ; and he assigns a particular Reason for their being so content, to wit, “ because “ they saw the King most absolutely resolved “ to give the *Irish* Agents full Satisfaction.” But, afterward, we see that they were not content, inasmuch as they found Means to baffle this *absolute Resolution* of his Majesty, to defeat the Supplication of both Houses of Parliament, and to disapoint the impetuous Desires of the Nation in general.

Be pleased, my Lords, further to note, that when the said *Irish* Agents, on their
Arrival

Arrival in *Dublin*, found the Parliament adjourned, “ They presently applied to the
 “ Lords Justices and Council desiring to
 “ have all those Acts and other Graces,
 “ granted by his Majesty, made known to
 “ the People, by Proclamations to be sent
 “ down into several Parts of the Country.”

But This, also, the said Justices and Council declined to comply with, till the Time of Insurrection at length arrived; an Insurrection which They had earnestly desired, which they had purposely provoked, and whereby They proposed to render themselves Masters of the Lives and Fortunes of all the Roman-Catholics in *Ireland*. But, my Lords, in the Proofs of such weighty Allegations, I chuse rather to depend on the best Authorities of the Times than, even on the best Presumptions and Deductions of Reason, though amounting, when united, to the clearest Demonstration.

Lord *Clanricarde*, in his Letter from *Ireland*, to the Duke of *Richmond*, on the 23d of *January*, 1641, affirms that “ All were dis-

“ contented with those that managed the Af-
 “ fairs of State, there, whom they charged
 “ with secret Practising, both there and in
 “ *England*, before the Commotions began,
 “ to raise Parties and Factions, to destroy
 “ their Religion, to divert and hinder the
 “ King’s Graces intended towards them;
 “ and, by that Means, to put them into
 “ Desperation, that they forfeit their Lives
 “ and Fortunes. And, as the Distempers
 “ began, that they had so disposed of Af-
 “ fairs, as if the Design was laid to put the
 “ whole Nation into Rebellion.

Again, the Author of the History of In-
 dependency, having told us, to the Purpose,
 that the Independents in the *English* Parlia-
 ment had insisted, openly, to have the Pa-
 pists of *Ireland* rooted out, and their Lands
 sold to Adventurers; and that this impelled
 the *Irish* to the following Insurrection. He
 adds that This “ was purposely done by the
 “ Independents, *that both Papists and Protest-*
 “ *ants might destroy Oneanother there.*”

This

This was not altogether a Plan of novel Policy. *Homer* gives us an Instance of the like *charitable Disposition* in the Character of his Hero *Achilles*, where he prays to *Jupiter*, that *Greeks* and *Trojans* might mutually extirpate Each-other, and that he and his *Myrmidons*, alone, might remain to enjoy the Spoils resulting from the Ruin of *Troy*.

Oh! would to all th'immortal Pow'rs above,
Apollo, Pallas, and almighty *Jove*!
 That not one *Trojan* might be left alive,
 And not a *Greek* of all the Race survive,
 Might We be left, we only, to enjoy
 The Realm and Plunder of devoted *Troy*.

To these, a learned and reverend Author of the Church of *England* adds his Testimony. “ That the Lords Justices, *Parsons* and
 “ *Borlase*, did, by their Authority, com-
 “ mand many Things, which did not only
 “ exasperate but render the *Irish* desperate,
 “ as will appear by several of their own Let-
 “ ters, and public Acts of State; and that,
 “ in the first Irruption of the Rebellion, they
 “ had a greater Eye to the Forfeitures of

“ the Rebels Estates, than to use such Means
 “ as might, by the Hopes of Pardon, induce
 “ the better Sort of the Nobility and Gen-
 “ try to hear Reason, and come in, and sub-
 “ mit themselves to his Majesty’s Mercy,
 “ though they had express Directions from
 “ the King, and two Houses of Parliament
 “ so to do.”

Even Lord *Clarendon* is decisive on this
 Head, and assures us that, “ a more unpleasing
 “ and unpopular Inclination could not be dis-
 “ covered in any Man, than a Wish or Con-
 “ sent that the War, (from which so many
 “ promised themselves Revenge and For-
 “ tunes) should be any other Way ended,
 “ than with the Blood and Confiscation of
 “ All, whom they could propose to be guilty
 “ of the Defection.”

In the *November*, immediately succeeding
 the first Insurrection, in Part of *Ulster*, the
 Parliament met, in order to pass the Acts of
 Limitation, &c. to quiet the distracted Minds
 of the People; and to suppress these Begin-
 ings of a growing Rebellion while It was,
 yet,

yet, in its weak and infant State; and accordingly, Both Houses, in a most loyal Address, offered the Government their Lives and Fortunes, for these wholesome Purposes. But, says the Earl of *Castlehaven*, “ this Way
 “ of proceeding did not, it seems, square
 “ with the Lords Justices Designs, who
 “ were often heard to say, that *the more were*
 “ *in Rebellion, the more Lands should be forfeit*
 “ *to them*; and therefore, in the very Heat
 “ of the Business, they resolved upon a Pro-
 “ rogation; which the Parliament under-
 “ standing, the Lord Viscount *Costelloe* and *my-*
 “ *self* were sent from the Lords House, and
 “ Others from the Commons, to the Lords
 “ Justices, to desire the Continuance of the
 “ Parliament till the Rebels, then few in
 “ Number, were reduced: But our Address
 “ was slighted, and the Parliament, the next
 “ Day, prorogued, to the great Surprize of
 “ both Houses, and the general Dislike of
 “ all honest and knowing Men.”

This same Lord, speaking of the same Lords Justices, informs us that “ Although
 “ his

“ his Majesty, and both Houses of the *En-*
 “ *glish* Parliament, had recommended it to
 “ them to bestow his Majesty’s gracious
 “ Pardon to all Such as should, within a
 “ convenient Time, return to their Obedi-
 “ ence: Yet these Lords Justices did, by
 “ their Proclamation, limit these his Majes-
 “ ty’s and the Parliament of *England’s* fa-
 “ vourable and general Intentions to the In-
 “ habitants of a few Counties only, *provided*
 “ *always they were not Freeholders*, and allowed
 “ them but ten Days Time to come in.”
 But this is not the first Instance wherein Men
 have been held criminal, merely, *because they*
had Estates and Fortunes to forfeit.

My Lords—Gentlemen of the Jury—On
 duely weighing the Premisses; with the ma-
 ny industrious Contrivances, for fomenting
 the Discontents of *Irish* Catholics, and exas-
 perating their Spirits against an *English* Go-
 vernment; in Times, I say, my Lords, of
 such Distemper and Turbulence, it is not to
 be wondered, that the Dross and the Dregs
 of this People boiled uppermost, and that
 the

the savage and flagitious associated together and perpetrated many Things, detestable to their own People, and detestable even to the *Irish* Leaders and Soldiery who, then, were up in Arms, by open and fair War, as They apprehended, to recover the Estates, and re-establish the Religion of their Fore-fathers.

Mr. Serjeant, indeed, on finding that his monthly Authorities failed him, has taken Leave to transpose his *Months* into *Years*, whereby he proposes to be restored to his principal Charge, that one hundred and fifty thousand Protestants were massacred within the two first Years, as he now says, of this Rebellion; to the utter Extirpation, as he further affirms, of almost every *English* Protestant within the Kingdom.

Now, my Lords, it would give me a singular Pleasure to be able to alleviate, in some Measure, the fearful Alarms and Apprehensions of Mr. Serjeant, on this Occasion; and to convince him that the Race of *English* Protestants in *Ireland*, were not wholly extirpated at that Period. That, at least, a proportionable

portionable Number of *Irish* Papists, (such as of eleven to two) can be proved to have perished during the Course of the War. That the Advantage, in Favour of *English* Protestants, hath been a growing Advantage from that Day. And that the Proportion of Two to Eleven, computed, by Sir *William Petty*, to have been a near Estimate of the Number of *British* Protestants in Comparison of *Irish* Papists, on the Day of the Insurrection, hath increased to a Proportion of Three to Eight or One and a Half to Four, which is computed at this Hour, to be the numerical Balance between Protestants and Papists, in that Kingdom.

Let us now see, my Lords, whether during so universal an Extirpation, as is said, sufficient Seed could be left for so extraordinary an Encrease; or whether Protestants have been, there, propagated, by the Sowing of Teeth, or by some other Kind of equivocal Generation.

The *English*, in many Places, upon the first Alarm and Insurrection of the *Irish*, as
 Doctor

Doctor *Borlase* informs us “ possessed them-
 “ selves of some Forts, strong Holds, and
 “ Castles, which, though very ill provided,
 “ they did for many Months, nay for some
 “ Years defend.” At the same Time, vast
 Crouds of *English* Protestants, who dwelt in
 the open Country of *Ulster*, fled from thence
 to *Dublin*; “ and These (adds Dr. *Borlase*)
 “ were so numerous and burthensome, as,
 “ though thousands were shipped away soon
 “ after they arrived, and Such as could serve
 “ in the Army were daily enlisted; yet They
 “ brought so great an Extremity and Want
 “ of Provisions to *Dublin*, as the Inhabitants
 “ were reduced to great Exigency.”

The same Author proceeds to tell us that
 Sir *William Cole*, with his Regiment, destroy-
 ed in the North, by Sword, Famine, &c.
 nine thousand four hundred and seventeen of
 the *Irish*, and rescued from Bondage five
 thousand four hundred and sixty seven *En-*
glish and *Scotch* Protestants. Also that Sir
Frederick Hamilton slew many of the *Irish*, and
 freed many Protestants.

Carte,

Carte, in his *Life of the Duke of Ormonde*, informs us that the great Body of the *English* was settled in *Munster* and *Leinster*, where (says he) very few Murders were committed; and that several thousand got safe from *Ulster* to *Dublin*, besides six thousand Women, and Children whom Captain *Mervyn* saved in *Fermanagh*, and Others that got safe to *Derry*, *Coleraine* and *Carrickfergus*, which were all in the Hands of the *Scotch* and *English*.

Ware, fol. 181, tells us that the Citizens resident in *Dublin* had been numbered, and were found to be, of Protestants, 2565 Men, and 2986 Women. Of Papists 1202 Men, and 1204 Women. Wherefore, if we add to These a proportionable Number of Children, we shall find that the Protestant Residents, in the City of *Dublin*, consisted of about fourteen thousand who never were hurt, in Person or Property, by any *Irish* Papists.

If to These we add many Thousands of Protestants who, securely, resided in various Parts of the Kingdom, where the *English* were prevalent. If, again, we add several
Thousands

Thousands of Protestants who lived under the Protection of *Irish Catholics*, where They were Masters. And if, lastly, we add great Numbers of *English Protestants* who were saved or snatched from the savage and desperate Rabble, by the Priests, by the Soldiers, and by the Chiefs of the Insurrection, who either escorted them, at their own Peril, to Places of Safety; or hospitably entertained them, under the Guardianship, and in the Circle of their own Eye and Authority. I say, my Lords, if we add all these Thousands upon Thousands, together; we shall find that we have, pretty nearly, recovered our lost Sheep.

The Earl of *Castlehaven*, in his Memoirs, affirms that “ In Sir *John Temple*’s Muster-Rolls, of whom the subsequent Scribblers borrowed all their Catalogues, Hundreds are mentioned as murdered that lived many Years after.” And he adds, “ that not the twentieth Part of the Cruelties, said to be committed on the *English*, were actually committed.”

Peter

Peter Walsh, in his Letter to the Bishop of *Lincoln*, p. 225, protests that “ after using
 “ the greatest Diligence, in the Year 1662,
 “ to inform himself rightly on this Subject,
 “ out of every particular County of *Ireland*,
 “ he reduced the Number of *Protestants*, mur-
 “ dered in cold Blood by the *Popish* Conspi-
 “ rators, even to that Lowness, that they
 “ did not in all amount to more than some
 “ few Hundreds. This, (adds *Walsh*) I did
 “ attest publickly, and in Print, to the Duke
 “ of *Ormonde* himself.” And he affirms,
 elsewhere, that “ these Murders were com-
 “ mitted by a very Few of the rude Rabble.”

The Duke of *Ormonde* was unquestionably
 a competent Judge of this Matter. He had
 been on the Spot, and engaged, as General,
 against the *Irish*, during the whole Course
 of this Rebellion ; he could not, therefore, be
 imposed upon. And, yet, I am apt to ima-
 gine that Mr. *Walsh* and some Others, who
 have reduced these Murders to four or five
 hundred have rather softened and palliated
 below the Truth. I will, therefore, allow
 Mr.

Mr. Serjeant any feasible Addition; and as I lately admitted him to substitute *Years* for *Months*, I will here admit him to substitute *Thousands* for *Hundreds*; the very utmost that, in any reasonable Resentment, he can require; and much more than he can prove by any credible Authorities.

Serjeant Statute.

I do not, my Lords, so much insist on any particular Number of Murders, as on the Manner and unparaelled Cruelty with which they were committed, however disgusting the Tale may be, to the Court, and to myself, I must entreat your Attention, my Lords, and yours, Gentlemen, a few Minutes; wherein I trust to prove that They, who could perpetrate such Barbarities on any One *English* Protestant, must have wished all *English* Protestants to have but one Throat, that they might glut their thirsty Malice, with the Cutting of the Same. Wherein I, further, trust to prove the Danger, impending over all *English* Protestants, from Men, born

of the Blood, and educated in the Principles of those Barbarians.

Counsellor Candour.

Beware of what you are about Mr. Sergeant, I request you. If you quote but a single Instance of this, your general Accusation, I will keep no further Measures with You. I will quote, on your Part, and on the Part of such Protestants as you most affect, five Instances for one, of Cruelty for Cruelty, and Murder for Murder.

But this is not my Desire. I wish not to inflame but to assuage latent Acrimony; not to rip but to heal Wounds; not to widen but to close Breaches.

Lord *Clarendon*, and a Croud of other Witnesses attest, that the antimonarchical and antiepiscopal Rulers, of *Ireland*, who, even then, wished to rise upon the Ruin of *English Protestants*, had no Measure of Mercy toward *Irish Papists*. That they forbid any Quarter to be given to them. That they took all Ways to incense a furious and bloody
Soldiery

Soldiery against the *Irish Nation*. That they made no Discrimination between the armed and unarmed, the Criminal and the Guiltless; but equally fell upon the Innocent and Helpless; neither pitying nor sparing Old Age or Infancy, Men, Women or Children, and that some were publickly executed, by Order of Government, against whom no Colour of any Crime could be alledged, save that of having preserved the Lives and Fortunes of *English* Protestants.

Mr. Serjeant, perhaps, hath not duely animadverted, that the Murders committed on the Part of the Sectaries, were committed by a regular *Soldiery*, either by Order, or under the Countenance and Encouragement of the Parliamentarian Government, to whom the King had permitted the Power of prosecuting the War. But, that the Murders, committed on the Part of *Irish* Catholics, were committed by angry Routs of ungovernable Desperadoes; against the Custom of their Army; against the Ordinances of their Clergy, and against the Orders of the Chiefs

of the Infurrection. That many of them were profecuted, with Fire and Sword, by the Leaders of the *Irish* themselves, as well on Account of their Barbarity, as on Account of the Dishonour they had brought upon their Arms; and that all of them, without Exception, were publickly condemned and excommunicated by their Church.

I cannot but further observe that there is much of unchristian Asperity, and Uncharitableness, in supposing our modern *Irish* either of the Blood, or Principles of, comparatively, a few Miscreants who were the Dregs, Scum, and Purging, and Outcast of their People. Shall the Treason, of one *Judas*, damn the other eleven Apostles? Might not Mr. Serjeant, with better Reason as well as with better Charity have supposed our modern *Irish* the kindly Descendents of the Eight Tenths of those *Irish*, who never lifted a Hand, in any Act of Hostility? Or, even, of those generous Chiefs and Soldiers, who (as Lord *Clarendon* observes) “ though
“ engaged in the Carrying on, and, possibly,
“ in

“ in the Contriving of the War and Insur-
 “ rection, were Enemies to those Actions of
 “ Blood, Rapine, and Inhumanity, which
 “ dishonour any War.”

But, let us wholly turn our Eyes from Deeds of Horror, to Acts of Goodness and Benevolence and to the Doers thereof; to the *Alexander Hovendens*, to the *Owen O'Neiles*, to the *Sauls*, *Everards*, *Redmond Englisbes*, to the *Dallys*, *Higgins*, *Farrillys*, and to other pious Ecclesiastics, and generous Commanders, *Who went about doing Good, rescuing, freeing, defending, cloathing, feeding their Enemies.* Convoying many Protestants at the Hazard of their Lives, and to the wounding of their Persons (through the midst of the Barbarians of their own Septs) to Places of Strength and Safety, or to their Kindred or Acquaintance. Protecting Many, at their own Hearths; concealing Some in Chapels; saving Others under Altars. Preserving the *great Prelate* of those Days (with his Household and Hundreds who fled to him for Shelter) in Peace and in Safety; and in the free Exercise of the Pro-

testant Rites and Religion. Revering him while he lived, bewailing him when he died; honouring his Funeral with a Procession of the attending Army; and crying out at his Interment, *O sit Anima mea cum Bedello! O that my Soul were now with Bedell!*

May All, who are of the Blood and Principles of those Soldiers, Priests, and Papists, find no worse Enemies to themselves, at this Day, than their said *Irish* Ancestors were then to Protestants! and may these signal Instances, of the Humanity and Charity of their Fore-fathers, avail them for turning the Prejudices, of the present Times, into Sentiments of kind Neighbourhood and brotherly Love!

Serjeant Statute.

Mr. *Candour*, I thought it ill-natured to interrupt you, till you had finished, what you think, your pathetic Eulogium. But, Sir, I must inform you that, in this your last Piece of Oratory, you have set out on wrong Principles, and have built your fine Structure on a Foundation that must fail you.

You,

You, yourself, have confessed that all the Murders committed, on the Part of the Sec-taries, (or rather Slaughters, Mr. *Candour*, for so you ought to have stiled them) were committed either by Order or under Countenance of Government. Very true, Mr. *Candour*, they were indeed; and for that very Reason they could not be Murders.

What greater Difference can there be between any two Things than between an Action that is agreeable to Government and Law, and an Action contrary thereto and subversive thereof? *Irish Papists* were, then, in the very Act of Rebellion against Government, against King, and against the Constitution of Church and State, as then established by Law. All the Slaughters that They committed, whether in cold or hot Blood, in the House or in the Field, were therefore Massacres and Murders. But the *English* acted by Order of their lawful Rulers; They fought and shed Blood with the Constitution on their Side; and, therefore, fought and shed Blood, with a safe and a good Conscience. Infomuch, Mr. *Candour*, that, to

balance the numerous Murders, committed by *Irish Papists*, you cannot produce a single Instance (by your own Confession) of a Murder committed by any of the *English Protestants*, or *Seclaries*, or *Puritans*, as you are variously pleased to stile them, during the Course of that Rebellion.

Counsellor Candour.

Mr. Serjeant, Mr. Serjeant! will you permit me to ask you, or (if you do not chuse to answer) to ask any Man, breathing, how many Sorts of Laws, or how many Promulgers of Laws, he thinks it incumbent upon him to observe?

There are, as you intimate, Laws peculiar to every civil Constitution upon Earth; and there are Governors appointed to be the Editors, Interpreters, and Enforcers of those Laws. But are the Laws peculiar to any civil Constitution, the only Laws that the several Constituents ought to observe? Or are the Dictates, of the Governors, Editors, Interpreters, or Enforcers of those Laws, the *only Dictates* that, in Duty, they ought to obey?

obey? You will not do yourself the Disgrace to insist on it, Mr. Serjeant. We have, my Lords, God be praised! Laws of infinitely greater Authority and Extent, wherewith to bound the Ambition, Avarice, or Malice of any particular Men, or of any particular Sects or Societies of bad Men.

There are the *Laws of Arms*; there are the *Laws of Nations*; there are also the express *Laws of GOD*, to which Warfare, itself, is supposed to be amenable.

But, above All, my Lords, there is ONE LAW which GOD hath made to himself, to Angels, and to Men, and which He ceaseth not to utter in the Centre of our Existence. This eternal and immutable Law ordaineth that we bear GOOD WILL to All, without Exception, who do not shew, by evil Deeds, that they bear ILL WILL to others. Wherefore, whoever refuseth to give Aid to helpless Infancy, or Defence to assailed Innocence, is a Rebel to GOD and Nature, and a Debtor to this Law. But, whosoever shall
make

make a contrary Law to himself; or, under Colour of any Order or Authority of GOD or *Man*, of *religious* or *civil* Government, shall take the Crutch from the Lame, or thrust a Ponyard into the Breast of such as cannot offend, is a Felon and a Murderer, and this LAW falls, with the Weight of the whole World, upon him.

Mr. Serjeant, however has given it, as his Opinion, that the *English* then fought with the Constitution on their Side, and therefore fought and shed Blood with a good Conscience: But that the *Irish* took up Arms against the Constitution of the State and the Church, as then established by Law; and therefore concludes, as I suppose, that they acted against Conscience.

Now, Mr. Serjeant is not to learn, that the civil Constitution of *England* and *Ireland*, as then established by Law, had been a *Monarchy* during several Centuries; a *State* to which *Roman Catholics* are peculiarly attached. And it is somewhat extraordinary to hear Mr. Serjeant, of all Men, accuse these People

ple of Rebellion to such a State; even He, who is the first to accuse and condemn them of *servile Practices* and *slavish Principles*, of *Non-Resistance* and *passive Obedience* Thereto.

But again, Mr. Serjeant is not to learn that the Constitution of the Church, as then established by Law, had been but of short Duration, and had been framed and settled, by the joint Act of Queen, Lords, and Commons, during the Reign of *Elizabeth*. But, Mr. Serjeant may be yet to learn that an Act of Parliament, framed in *England*, does not affect *Ireland*; and, that the Constitution of the Church, as then established in *England*, was never so established by any Act, in *Ireland*, till the Revolution atchieved by our glorious Deliverer, *William* the Third. *Irish* Catholics, perhaps, conceived that the Constitution of CHURCH and STATE was still on their Side; and might bear Arms, at least, with as safe and good a Conscience as those who never laid them down, till they had effectually abolished both the ONE and the OTHER, both STATE and CHURCH.

I shall

I shall not pretend to define how far the Infurrection of *Irish* Roman Catholics, ought in such Times as those to be entitled a Rebellion. The King himself, as I may say, had begun the Business. He first rebelled against the Rights and Liberties of his People. This gave a Colour and Pretence to many of his People to rebel, as Some call it against their King. The Antimonarchical and Antiepiscopeal Gentry gladly raised a Foundation and Scaffolding, of these Matters, for rebelling against the Constitution of Church and State. The *Scotch*, accordingly, were hallooed, and actually rose in Rebellion against the One and the Other. And, as far as the *Irish* Catholics may, with Propriety, be said to have rebelled against Any; They did but follow the Lead and Example of their Neighbours.

From the First of the Reformation, to the Revolution of Eighty-eight, the State of Religion was extremely unsettled; Papists, Protestants, and Puritans, like the Heroes in *Homer's Iliad*, successively prevailed; and
Each

Each, in their Turns, had their Day of Triumph.

After the Downfal of Popery under *Har-ry* VIII. and *Edward* VI. It was again re-
stored and re-established in the Reign of *Queen Mary*. In the Reign of *Queen Eliza-
beth*, the Protestant Religion again got the
upper Hand; and heavy Laws were, then,
enacted against the Puritans on the one Hand,
and against the Papists on the other. In the
latter End of the Reign of *Charles* I. and
during the whole Regency of *Oliver Cromwel*,
the Puritans got the Supremacy, all to No-
thing, and dictated Law and Gospel to *Great-
Britain* and *Ireland*. Protestantism was, how-
ever, restored with the Restoration of Mo-
narchy. But a Divorce was, again, nearly
effected in the following Reign under the
Influence of *James* II. the great Patron of
Popery. Till the Constitution, of Church
and State, so often broken, and bruised, and
confounded, and wrought together, and again
undone, fermented, and cleansed, and refined,
was newly modelled and established, as I trust
for

for the last Time, under the happy Auspices of *William the Third*, the benign Cementer and Benefactor of all Parties, and more the *Friend* than the *Conqueror* of those with whom He had contended.

It were ridiculous to suppose that the Sectaries of the 17th Century, when they first set out on their Journey to the Land of Liberty, had any Notion of travelling as far as they afterward went. The King had encroached on the GREAT CHARTER, and had arbitrarily possessed himself of some of the Rights of his People; and These his People had, unquestionably, a Right to reclaim. Many Members of the established Church, true Lovers of Monarchy as well as Episcopacy, had joined the Sectaries, on this Occasion, in the Assertion of common Liberty. This Division had greatly weakened the said Members of the established Church, while some sided with the King, and Others with the Constitution; and this Weakness gave the Sectaries an Advantage and Power
to

to which their utmost Ambition had, till then, never aspired.

This, it must be owned, was a very tempting Situation. They justly asserted, and reclaimed the Civil Rights that were inherent to the Constitution. But they found themselves of Ability to go a Step further. They were not satisfied that *Liberty* should be barely *reclaimed*, They further proposed to enlarge It; and under the specious Covering of a free Common-Wealth, they introduced a more arbitrary Tyranny than Any that they had intended to abolish or avoid. Experience, in a short Time, made Them sensible of this wrong Step. And They themselves, were some of the First to propose and to promote the Restoration of Monarchy.

Quite sick of such Distempers, and quite tired with perpetual Conflicts; We have, at length, sat down in Peace and Contentment together. The Experience of near a Century hath now taught us that, while we repose, like the *Israelites*, Each under his own Vine or
his

his own Fig-Tree, any Land becomes a *Canaan*, under such a Constitution. If we look East or look West; we find None like it; and, and if we recur through the Histories of all Nations and Ages, we shall find, in the freest Republics upon Earth, the bare Principles and Rudiments of our present Establishment, of that perfect Security of Person and Property to which we have arrived.

If Puritans are precluded from some State-Privileges. If Papists are discouraged by some limiting Laws; yet, in all other Respects, They see and feel the Benefits of our common Constitution as clear, and as comfortable as the Light of yonder Sun. Their Titles are not now defeated by any packed Juries or griping Inquisitions; They suffer not for worshipping God according to their Conscience, much less are they compelled to the Exercise of a Religion that is contrary thereto. They, now, plead and are impleaded with equal and impartial Equity. The Law embraces them with as
kind

kind a Guardianship as the best Protestant in the Land; and, had They the Power, They have not the Will to forego such Advantages.

Mean while, it is sufficient, for the Strengthening and full Security of our civil-Constitution, that all Sects, and all Sectaries, are of a Religion that discerns and rejoices in the temporal Prosperity of its Professors. Let the *Civil Constitution*, therefore, but preserve (or enlarge where needful) this temporal Prosperity of the Subjects of its Government; and, let their Religion be that of *Turk, Jew, or wild Indian*, They will infallibly, unite in opposing any Suppression or Interruption of *that Fountain*, from which their common Blessings so evidently flow.

But, God be praised! neither our *Sectaries*, nor our *Irish-Catholics*, are *Turks*, or *wild Indians*; They are pious, and have long been, All, peaceable Men. However they may differ from Us, in some Matters of Faith, or of Form; They unite with us in the humble, and ardent, Adoration of our common CREATOR and SAVIOUR. It is true that, in

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adhering

adhering to their ecclesiastical Errors, They decline some temporal Advantages, and further lay themselves under some very irksome Restraints. But is not this their Suffering, *for Conscience Sake*, the surest Testimony that they can give us of their inward Virtue and Integrity? And have we not, thereby, a better Hold on them, than all Laws and Institutions upon Earth can give? Even the Obligation of Religion, their Regard to Futurity, and their Attachment to CHRIST's Doctrine of LOVE and PEACE.

Let us then, say, with my Lord *Clarendon*,
 “ Away with the *antichristian* Spirit of de-
 “ fending what hath been done amiss, only
 “ because it hath been done; and of discre-
 “ diting the *Catholic* Religion, as if it would
 “ not suffer its Children to be dutiful and
 “ loyal Subjects to *Protestant* Kings and
 “ Princes: And let what was done in Viola-
 “ tion of the Laws and Government (in this
 “ Rebellion) be acknowledged, and excused to
 “ the King, by the Distemper and Accidents
 “ of the Times, and *the unjustifiable Proceed-*
ings

“ ings of those who were, unhappily, intrust-
 “ ed with the Administration of Justice and
 “ Polity.”

Lord Chief Justice.

Mr. Serjeant, — do you chuse to drop any further Charge against this People, or, are You desirous of proceeding to new Matter?

Serjeant Statute.

I do not propose, my Lords, to drop any Matter, whereof I conceive I have, still, sufficient to compass and enforce the principal Scope of my Argument. And, though the Historians of those Days have been wonderfully erroneous, with respect to Time, Number, Incident, and such other External; They may, however, have been right in the Main of the Moral that they aimed to inculcate; to wit, that Protestants cannot live with Papists in any Community or Neighbourhood of Assurance or Safety; and that, by the Principles which they imbibe and suck in, as I may say, from their Mother-Church, they become religiously dangerous to any Civil Constitution.

Now, my Lords, if I can prove, not from any particular Quotation, of this or that Author, whose Testimony might be questionable, who might have been deceived himself, or have intended to deceive Others; If I can prove, I say, my Lords, not from any singular or disputable Authorities, but from the concurring Testimony of Nations and Ages, from the Persuasion of all People, from the Confession of their own Sect, *that these Things are so*; I shall then, surely, be restored to the Substance, at least, of my original Charge against *Irish Catholics*; and I shall shew, from the Wickedness of their *Principles*, that their *Practices* must have been conformable, and that they have been guilty of Barbarities tantamount, at least, to those that are laid at their Door.

Permit me, on this Occasion, to mention a Popish Author who is in principal Repute with this People. His Name is *John Gother*, and his Book is entitled, A PAPIST MIS-REPRESENTED AND REPRESENTED.

Under

Under the Term MISREPRESENTED, he acknowledges and specifies the wicked and inhuman Principles that are imputed to *Roman Catholics*; and under the Term REPRESENTED, he endeavours to paint the Reverse of this horrid Picture, and to vindicate his Fraternity, of the Popish Communion, from such injurious Aspersions, as he is pleased to call them.

But, can ye conceive, my Lords, in what Kind of a Balance he hath weighed this Business? Why, truly, in the one Scale he has placed the general Opinion, and in the Other he puts his own personal Authority, as a Counterpoise to That of the Rest of Mankind.

I pass over, for the present, all such Errors and Absurdities as are merely religious; and hasten to such *Ecclesiastical Tenets* as must prove of fatal Tendency to any *Civil Government* with which they are connected.

In the first Place, these People make a Divinity of every little Member, however ig-

norant and flagitious, of their infallible Priesthood. If any Layman or Laymen, of this dreadful Communion, shall be guilty of Rapes, Treasons, Murders, Adulteries, Sacrileges, and so forth; They have nothing to do but to step to some petty Individual, of this very forgiving Priesthood, and to acknowledge their Enormities, under the Confessional Seal of Secrecy; and, though the Leprosy of their Soul should be as inveterate as That which infected the *Syrian Naaman*, the Charm of a single Sentence, shall reclaim them to the State of inoffending Infancy; and, thus refreshed and restored, they shall be enabled, like a Giant, to set out on a new and vigorous Course of Iniquity. Perhaps some little Matter of Penance may be enjoined, by way of Atonement, for these Enormities; such as wearing Hair-Cloth next the Skin, or walking with Pease in the Shoes for some small Time; but, if this Hair-Cloth is woven of the Down of Mice; or that the Pease are previously boiled to a harmless Consistence; the Letter of the Law is observed, and All is as it should be.

To

To these, I may add the spiritual Traffic that is carried on by the Church of *Rome*, and the many gracious Indulgencies granted to her Votaries, if not altogether gratis, yet, at a Pennyworth that is admirable, considering the infinite Privileges acquired thereby; even those of Sinning without Guilt, and Offending without Punishment. These Indulgencies also, like other Tenures, may be prolonged and extended on advancing the Price; They may be purchased for Life, or made decendible to a Man's Heirs; an unspeakable Advantage considering what Profligates Children might turn out; or how short a Man, himself, might be taken in his Iniquities, without Time for Repentance which, in other Christian Communions, is deemed previously requisite to a happy Immortality.

But when such Indulgencies are granted by the special Grace and Seal of the Pontiff, himself; They, then, are called Dispensations, and sanctify the Sins that are proposed to be committed. But, further again, should such Sins be intended to promote the Catho-

lic Cause, or to prop the tottering Frame of their ancient Mother, the Church, by pious Breaches of Allegiance, by Rebellions against Government, by the Depopulation of Nations, or Overturning of States; Guilt then becomes a Virrue deserving of Canonization; and the Repugnance arising thereto, from Fealty or Humanity, shall be accounted Guilt unpardonable.

Many and various, throughout History, have been the Mischiefs, the Miseries, the inexpressible Calamities, that attended the *King-deposing* and *King-killing Doctrine*. Need I mention our *English John*, need I mention our *English Elizabeth*? The Christian World is full of Instances of Princes excommunicated and plucked from their Thrones; and of People discharged from all Faith, Submission to Government, or Regard to Civil Society; as though *Rome* were as solicitous to *reduce the World to Chaos*, as the DIVINITY originally was *to create and to form*.

I expect, however, my Lords to be told by this Orator on the Part of the Defendents,
that

that *Rome* never yet attempted to excite or foment Seditions or Rebellions, or to absolve any Subjects from their Allegiance to their Sovereign. That These are the Inventions of a graceless Pack of heretical Historians, And that, if the World gives Credit to any such Stuff, the World is a Blockhead and knows nothing of the Matter.

Counsellor Candour.

My Lords. I am glad that Mr. Serjeant is grown so pleasant with Us. Is not this much better than Railing and Scurility? than giving Us Abuse in the Room of Evidence, and naughty Names, for Want of material Accusation? If we may guess at the Cause of his extraordinary good Temper, he thinks that, at present, he has somewhat to say for himself; and he is not half so angry with his Catholic Opponents, as when all his Sophistry was silenced, and his Authorities, like Artillery, turned upon himself.

I think it, my Lords, incumbent, at this Day, to make a Confession of my own Errors, before this honourable Court. It is not
long

long since I sided with Mr. Serjeant, in this Matter. *I verily thought*, as Saint Paul saith, *that I ought to do many Things against this People*. I was carried down the Current of general Prejudice. I assured myself and persuaded others, that the Insurrection of Forty-one, was a universal Conspiracy of all *Irish* Catholics, for the instant Extirpation of every Protestant throughout the Kingdom; and that they very nearly accomplished their execrable Plot by the speedy Massacre, in cold Blood, of one hundred and fifty thousand of their inoffending Countrymen.

Hence, my Lords, I concluded that Roman Catholics were actually wicked upon Principle, and that the Doctrines, which they had imbibed from their Mother-Church, could, alone, be productive of such unnatural Practices.

Under these Presumptions and Prejudices, while I continued in that Kingdom, I always looked upon *Irish* Catholics with Apprehension and Disgust. I was in continual Expectation of their suddenly breaking out into
some

some nightly Infurrection and general Massacre. And I beheld the wonderful Calm of their Conduct and Behaviour, as the Fore-runner and sure Presage of the more violent Tempest.

It is some Years ago, since, opening *Rapin's* History of the Rebellion of *Irish* Catholics, under *James II.* the last Male of the *Stuart* Line, I began and proceeded with much Attention. I was sensible that This had not been a preconcerted Affair; and that the *Irish* took up Arms, as they apprehended with the King and Constitution upon their Side. I, therefore, did not look for any sudden, horrid, and universal Massacre. But, as the Government was, then, wholly in their own Hands; as the Army was theirs; as all the national Arms were within the Grasp of *Catholics*; as it was evidently in their Power at once to have crushed all Protestants of *English* Descent, within that Kingdom; and, thereby, to have prevented any future Opposition, on their Part, to *Irish* Catholics; I say, my Lords, that, in such a Situation,

Situation, I looked every Moment for some bloody Catastrophe; for military Executions; for partial Massacres, at least; agreeable to their present Power, and to the former Principles and Practices imputed to them.

I looked in vain, my Lords. I still read on, and on. I proceeded till *Ireland* was invaded by an *English* Army under *William* the Third, who was further joined by Thousands of *Irish* Protestants then living in the open Country unhurt by their Popish Adversaries, although in Power; And I considered, within myself, how this might be.

Can these gentle Catholics of *Eighty-eight*, thought I, be of the Blood of those Butchers of *Forty-one*? Is it possible, that the Principles, of the One and the Other, should be the same, when they differ so infinitely, in the Practice and Expression thereof?

Again I read how the *English* and *Irish*, on either Part, agreeable to the Laws of GOD and of Humanity (as far as the same are consistent with the Law of Nations and of Arms) did long continue in open Defiance and Hostility

tility against Each-other. I read of Battles, Sieges, Skirmishes, of mighty Deeds atchieved, of Fields won and lost, with equal Glory: But I read of no Massacre, I read of no Murder, neither of any Thing that could charge or impeach *Irish* Catholics with an Act unbecoming humane and gallant Men; and I was tempted to pity the native Bravery of Those who, at *Boyne* as well as at *Aughrim*, (abandoned by their King, and unanimated by Example) held the Battle in Suspence, against the best Army and the best Leader then upon Earth.

I now began to hesitate, with respect to the Principles long charged, and now repeated by Mr. Serjeant, against this People; Principles so detestable in their Nature and Tendency, that They who even in Secret, can justify to their own Hearts the least of such Abominations, ought to be swept from Society, from the Community of Earth and Air, as Serpents horrid to Sight, and Pests deadly to Nature.

Here

Here I found that, though *Irish Catholics* looked upon *James II.* as their constitutional and rightful Prince; though they were ready to lay down their Lives and Fortunes in his Defence; though they looked upon King *William* as an Alien to these Kingdoms, as an Invader of the Throne, and as an Heretic and special Enemy to their spiritual and temporal Interests; no Conspiracy, no Treachery, no Act, of Baseness or Cruelty, was, however, attempted against him or his Adherents. All was open and equal War, on the one Part and on the Other. And of this, their glorious Conqueror himself, with his chief Governors and chief Generals, made the most honourable and express Acknowledgement, in the Capitulations of *Limerick*, whereby they are admitted not only to Terms of Peace, but Terms of Amity, as also to the equal Protection of Law and Participation of Property, throughout the Kingdom.

Now, my Lords, how comes it to pass that Mr. Serjeant did not fix on this neighbouring Æra of War, Rebellion, and Bloodshed,

as

as a Foundation whereon to ground his Charge against the Principles and Practices of *Irish* Catholics? He might, in this Case, have got living Witnesses of Facts who, *viva Voce*, would have attested the Truths of his Allegations, if any Truths were in them. He might have got Thousands of Children who have listened, while their Parents repeated, again and again, the minutest Passages of those Days. No, my Lords, This would not do, he was conscious that these Testimonies were all against him. Matters, in the present Case, were somewhat too recent, and the Evidence of his Majesty, of the Government, of the Generals, of the *English* soldiery, and, indeed, of all *Irish* Protestants, were too strong in the Favour of *Irish* Catholics, to admit of any opposite Charge from the Malice, or Invention, either of Orators or Historians.

With regard to the Catholic Defendants, Mr. Serjeant *Statute* gives us, at present, to understand, that, since he found himself unable to prove their wicked *Principles* from the
Wickedness

Wickedness of their *Practice*; he chuses to take his Argument by the other End, and to prove their wicked *Practices* from the Wickedness of their *Principles*. His Saviour CHRIST tells him that the Nature and Virtue of a *Tree* is to be known from its *Fruit*; but Mr. Serjeant, for the present, is of a different Opinion, he affirms that the Nature and Virtue of the *Fruit* is to be known from the *Tree*; or rather, indeed, from the Judgment and Opinion of Those, who wish It to be *hewn down and cast into the Fire*.

Upon this Footing, my Lords, Mr. Serjeant expects to be restored, as he says, to his original Charge; and to the Credit which he desires the World should give to the Barbarities imputed to our Catholic Defendants.

Restore him then, my Lords, restore him to all and to every Part, of former or of further Allegations against this People. I, indeed, for the Sake of Peace, of palliating and reconciling, for the Coalescing of all Parties into mutual and equal Amity, have purposefully dropt many Matters which, though mainly
conducting

conducting to the Cause of my Clients, might have tended, at the same Time, to provoke their Adversaries. For the War that I wage, at present, in Behalf of *Irish* Catholics, is merely defensive: I wish, indeed to shield them from the Assaults of misdeeming Enemies; but I wish not to return a single Weapon to the Bosom of him who cast it. Let not this, however, be a Precedent to Mr. Serjeant *Statute*; if any Lapse of Memory has happened, on his Part; if he is desirous of recommencing his Charge, from the Beginning, on any better Plan, either respecting a new Manner, or additional Matter, let him do so in Heaven's Name; we take no Advantage, we are ready to lift the Target wherever he points the Spear.

I can't, myself, forbear recurring to one Article at least, of Mr. Serjeant's original Charge against the Catholic Defendants; where he says, *he trusts to prove the Danger, impending over all English Protestants, from Men, born of the Blood and educated in the Principles of those Barbarians.*

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Of

Of what Barbarians, I pray ye, my Lords? Our present *Irish* Catholics are, universally, descended from their generous and humane Ancestors of sixteen hundred and eighty eight. True, but these are not the Ancestors Mr. Serjeant would intend. He leaps you quite over these, as *Milton's* Devil leapt into Paradise, at one Bound. He comes, with a backward Genealogy, to a few Miscreants, the Dross and Dreggs that boiled uppermost in Times of Fermentation, and Who, to a Man, either perished by War, or took their Flight beyond Sea, or suffered for their Crimes, with their Abettors and Harbourers, under the *grand Court of Inquisition*, that was appointed to purge the Nation of all such Delinquents.

I am apt, my Lords, to imagine that, had Mr. Serjeant been drawing a Deed of Conveyance, or affirming a Title, by lineal Descent in Favour of some Client; he would not, thus, have forgotten the more immediate Generations. He would not have dug, so deep into Dirt, for an old rusty Sword; if

if he thought he could have furnished himself from any Armoury, at hand, wherewith to assail and wound the Defendants.

But, my Lords, let us suppose that, at the Insurrection of *Forty-one*, all the Catholics in *Ireland* were Rebels, Robbers, and Murderers. Well — From that Period to Eighty-eight, we have a long Term of forty Years and upward; good Time for Repentance and Reformation. Accordingly we find that, if the Parents of *Forty-one* were Profligates, the Children of Eighty-eight were Penitents; they had turned away from the Principles and Practices of their Fore-fathers; they were reclaimed from former Barbarism; They were refined from former Dross; and this, their Gradation from Guilt into Goodness, ought to have been an Assurance, to all their Protestant Brethren, of their future Progression in their Ascent to Virtue.

For myself, my Lords, I confess that the Prejudices, which I had imbibed against *Irish* Catholics, were so strong, that, upon reading the History of their Conduct during the

War of Eighty-eight, I was desirous of discovering any Motive, whatever, to their honourable Proceedings, on that Occasion, rather than any Reformation or Deviation from the vicious Principles which I imputed to them.

I was staggered, however. I recurred, further back into the History of these People. I had been told, as Mr. Serjeant also observes, that our MOST GLORIOUS ELIZABETH had been solemnly, excommunicated by the Pope, and that her Subjects, universally, were discharged from their Allegiance; a double Command, in Effect, neither to suffer her to reign, nor to live upon the Earth. Here, again, my old Prejudices and Opinions were restored. I doubted not to find a Corroboration and Confirmation of the Truth of all the Massacres, alledged to have been perpetrated, during the Reign of *Charles I.* from similar Enormities during the Reign of *Elizabeth.* But how was I disappointed, how was I defeated of my Desires, on this Head! when,
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on the strictest Enquiry, I could find no Massacre, no Murder, no Insurrection, nor even Commotion, that could be referred to these *horrid Articles* of *Excommunication* and *Dispensation*, or to the Principles of Papists alledged to be conformable thereto.

Serjeant Statute.

Your Pardon, Mr. *Candour*, several Conspiracies and Rebellions ensued thereon.

Counsellor Candour.

Subsequent thereto, there did, Mr. Serjeant: But no Conspiracy or Rebellion, not a single Murder, or Maim, in Consequence thereof. When all were Pagans, or when all were Papists, in All Countries, and all Ages, when no Quarrel nor contention subsisted, with respect to Religion; there have not been wanting Conspirators, or Assassins, Insurrections, or Rebellions. Neither can it be said that the Poignard, which stabbed a *Protestant Henry* or a *Popish Lewis*, was lifted by the Religion of the one *Seet* or of the *Other*.

The Truth is, that his Holiness at that Time, began to feel his Powers failing apace. I would ask Mr. Serjeant if he has read *Shakespear's* Play of *Harry IV* ? *Owen Glendower*, the heroic Magician of *Wales*, boasting to *Harry Percy*, crys “ *I can call Spirits from the vasty Deep.*” Why yes, says *Percy*, and “ *so can I, and so can any Man ; but will they* “ *come when you call 'em ?*” Thus the Pope, at that Time could excommunicate Princes, and charge Subjects to break their Allegiance, he could call the Spirits of Insurrection and Rebellion from the vasty Deep ; but, did they come when he called them ? no indeed, Mr. Serjeant ; He might have spared his Breath, for not a Leaf stirred ; and all his Thunders, from that Day, have been accounted no more than a *Brutum Fulmen*.

I had scarce finished this Part of our *English* History, when the Rebellion of 1746 broke out in *Scotland*, and then it was that the *Farmer* wrote his famous Invective, against this People, and prophecied, as many Others did, at the same Time, that the Catholics

tholics of *Ireland* would, indubitably, lay hold on that Opportunity to discharge the Storm, so long brewing, on the Heads of their Protestant Brethren: But, here, we are obliged to turn over the *Farmer* himself, with his Contemporary Prognosticators, to the Class of the false Prophets; for all continued as calm and serene, throughout that Kingdom, as when the *Halcyon* builds her Nest on the smoothed Surface of the Ocean.

What could I now think? I saw that the whole Tenour of the Conduct of *Irish* Catholics during the Memory of Man; and all that History had further recited, of the Manners, Actions, and Dispositions of their Progenitors, was a joint Negation and Contradiction to whatever I had heard or read of the Massacre of *Forty-one*. All Accounts that preceded, and all Accounts that succeeded to that disgraceful Period, concurred to give their Testimonies in Favour and in Honour of this People: This Massacre, alone, stood against all other Evidence; here was a deplorable Falling off, indeed; here lay the

dark Blot that degraded and dishonoured their whole Escutcheon.

To reconcile such apparent Inconsistencies, and to clear my own Doubts, on this Head; I enquired, I searched, and made a Collection of all the Histories, Memoirs, Extracts of Records, Pamphlets, and Papers, that related in any Measure, to the Wars of *Forty-one*. I compared each Author with others, I compared him, also, with himself.

I found that Lord *Clarendon's* Spleen, if any Spleen he had to these People, did not survive the first two or three Days of the Rebellion. And, though He does not, in form, retract his original Assertion, that they had murdered forty or fifty thousand Protestants, before Warning or Time for Escape; yet his whole subsequent Account, of the Tyranny of their Rulers, of the Inveteracy of their Enemies, of their Sufferings, of their Patience, of their Inclinations to Peace, of the Loyalty of their Chiefs, and of the Charity of their Priesthood, are more than a thousand Retractions of one inadvertent,

or

or interpolated, Sentence, which must have been wholly absurd and false, if his own subsequent History, if the History of all Others on the same Subject, if the Confession of the bitterest Enemies of *Irish* Catholics, if the Testimonies, even of a puritannical Government, of the Lords Justices and Council of *Ireland*, deserve any Credit.

Again, I perceived that Sir *John Temple* and Doctor *Borlase* had industriously sharpened their Pens with a Desire of wounding; and I found, also, upon Enquiry, that they were, by Policy, as well as by Inclination, the avowed and interested Enemies of the Catholics of *Ireland*. But, unhappily for the Credit which they might otherwise have obtained, they were frequently obliged to quote Matters of Record and public Recognizance. In this Case they did not dare to deviate from the Letter; they were, reluctantly, compelled to insert many Inconsistencies, in this Page to refute what they had written in that, and thus, with one Hand they expunged what they had blackened with the Other.

Again,

Again, my Lords, when I had compared those three Historians with all others who had treated of the same Subject: When I had rejected the Impossible; admitted the Probable; and set down, as indubitable, whatever their concurring Testimonies united to affirm. I found that the Catholics of *Ireland* had been, designedly, vilified, in order to prevent the Restoration of their Estates, on the Restoration of the Monarchy. That they had, at three several Times, most earnestly though vainly, petitioned the Government that the Misdeeds of those Times might be strictly enquired into, for the Acquittal of Innocence and the Punishment of the Guilty, on both Parts. And I further and finally found, that the said wonderful Detail, of Murders and Massacres, was little other than a Bundlement of legendary Stuff exaggerated by the Fears and Inventions of the Times. That a Picture drawn from a few Reprobates, spued out both by their Civil and Ecclesiastical Communion, was set up as the Representative of this whole People. And that Malice, as it were, had painted

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a cloven Foot, and had artfully written under, EX PEDE CATHOLICUM.

Serjeant Statute.

My Lords, Mr. *Candour*, some Time ago, did me the Honour to intimate that *I might have somewhat to say for myself*, in the new Matter which I exhibited against these Catholics, respecting the inherent Wickedness of their Principles. And I have been waiting, with much Patience, this half Hour and upward, for an Opportunity to return Mr. *Candour* his Compliment. He appears, however, industriously to decline *having any Thing to say for himself* on this Head. He has reconnoitred the Subject genteelly enough, I confess; and has talked, with much Eloquence, about it, and about it. But, if he thinks himself equal to a Combat, in this Cause, why does he not come to closer Engagement? Perhaps he has forgotten, or chuses not to recollect the Purport of my Charge. Permit me, my Lords, to refresh his Memory in this Matter.

Counsellor

and, from the Citadel, rules the Outworks of Man at Pleasure.

When the Apostle, speaking of CHRIST, affirms that *there is no other NAME under Heaven, whereby a Man may be saved*: And again, When he affirms that *Those, who have not received the Law, are a Law unto Themselves*; He intends one and the same Thing; He intends that CHRIST, from the Fall of Man, is a PRINCIPLE of REDEMPTION in the Bosoms of all Living. That he is not an *outward* but an *inward Redeemer*, working out our Salvation *by the Change of our depraved Nature*. That in and from Him, and Him only, arise all the Sentiments and Sensibilities, that warm the Heart with Love, that expand it with Honour, that wring it with Compunction, or that heave it with the Story of distant Distress; and that He, alone, can be qualified to be Judge, at the last Day, who, from the first Day to the Last, was internally, a Co-operator and Witness of all that ever passed within the Bosoms of Men.

Hence

Hence it is that, although the Christian Countries have received the *two Tables*, of the Laws of CHRIST, his *external* as well as *internal Revelation*; (Each witnessing to the Other, that the GOD of our *Gospel* is the GOD of our *Nature*) the Nations, however, who are Strangers to his Name, yet acknowledge his Influence; they do not, indeed *bear*, but they *feel* the Precepts of that LIGHT *which lighteth every Man who cometh into the World*.

Many Infidel-Reasoners and Infidel-Writers, wholly mistaking this Matter, give large Encomiums to the native Morals, of *Indian Nations* and others, in Preference to Nations illuminated by the Gospel; not knowing, at the same Time, that they actually compare and reproach CHRIST with HIMSELF. But Mr. Serjeant goes a Step further; he reproches a Church of CHRIST with Tenets which ANTICHRIST, alone, could adopt; an Enemy equally adverse to Nature and Revelation.

Supposing,

Supposing, then, that *Rome* was this very *Antichrist*, let us inquire how far her Influence prevailed, in perverting the Morals and native Goodness of her Members.

There were, My Lords, *three capital Periods*, during which, the Court, and the Church, and the Constituents of the Church of *Rome*, were, if ever, under very extraordinary Temptations to put the said abominable Tenets into Execution, to wit, during the *Reign of Elizabeth*, during the *Wars of Forty-one*, and during the *Wars of Eighty-eight*.

The temporal Powers of *Rome* had been greatly broken in upon, Her ecclesiastical Jurisdiction had been, also, much abridged, and, at those Periods, was threatened with utter Extirpation in these Kingdoms. Ambition, therefore, the Lust of Rule, and of temporal Wealth and Prosperity, urged her to violent Measures for the Reparation of those Damages which she conceived to have been injurious; and her Religion, itself, might seem to plead to Her, for the Exertion of her secular Forces in its Defence.

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It is evident then, my Lords, that, if *Rome* ever offered Dispensations and Indulgencies for Crimes to come, If ever she preached up Conspiracies, Insurrections, Rebellions, Murders, Massacres, the Extirpation of Schisms, and the Excision of Heretics, as Matters meritorious with CHRIST and with GOD; she would have dictated and preached them up, at those three several Periods, she would have inculcated and enforced them on every Member of her Communion.

But, if she did preach them up, pray what was the Consequence? we have seen the Consequence, my Lords; we have seen that, in such a Case, the Catholic Priesthood as well as Laity, of *England* and *Ireland*, were, almost universally greater Rebels to the State and Church of *Rome*, than to the Protestant or Puritan Government of these Kingdoms; and that they chose to be the Servants of that Word, which CHRIST revealed to their Ears, and impressed upon their Hearts, rather than Servants of Tenets everfive of all Morals, and abhorrent to human Nature.

Should a Foreigner of some distant Nation, or distant World, be told of the Principles of the Religion established in *England*; should he be told that It is no Other than the *Law of eternal Love*, beaming forth and expanding into Actions and Sentiments of unbounded Benevolence. That it teacheth its Votaries to return Good for Evil, and Affection for Hatred; to look down upon Earth and All that is transient as Matters beneath the Attention of their immortal Spirits; to reject Riches, Honours, Pleasures and temporary Emoluments; as Toys fitted, only, for such of the Children of Men who are ignorant of their own Natures, and of the Advantages that are infinitely suited thereto; to say to this whole World, thy Goods are nothing unto me; to embrace Affliction; to smile under Calamity; and to regard Time, Pain, and Death itself, merely as Porters of that Gate which opens on a glorious and blissful Eternity. Should such a Foreigner, I say, be thus apprized of the Principles of our *English* Protestants, before he was acquainted with the Professors thereof; could he form a
higher

higher Idea of the Rectitude of any Creatures, though he were to be introduced to the Society of the Seraphim?

But, should this Foreigner, afterward, come to compare Action with Sentiment and Doctrine with Deeds; he might possibly conceive that We deemed it quite sufficient to be pious, by Principle; but that we dropped the Practice, thereof, on the high Road of Life to be picked up, by any who might deign to stoop for the same.

We see then, my Lords, that the good Principles, of a Church, are not necessarily attended by conformable Practices, and, consequently, that the evil Principles, of a Church, are not necessarily productive of the evil Practices of its Members.

Mr. Serjeant, my Lords, hath told us that one *John Gother*, in a certain Book, entitled *a Papist misrepresented and represented*, has specified and acknowledged his late Charge of abominable Tenets, as Tenets generally ascribed to the Church of *Rome*.

No, my Lords, this is not the Fact. Doctor *Gotber* specifies the said abominable Tenets, as Matters of mere Calumny; as Falshoods invented, by some designing Enemies of the Roman Catholics, with a View to bring the Hatred and Persecution of the World upon them. And he appeals to the Church of *Rome*, and to every Member thereof, for their utter Rejection and Abhorrence of such Doctrines.

We all know how difficult it is for any Society or Individuals of Society, to defend themselves from the Malice of those who hate or have Cause of Quarrel with them. Even CHRIST was said to have been confederated with Devils, while he was busied in conquering the Kingdom of *Satan*.

But, my Lords, as the World, for some Ages, hath been pestered and disturbed with Affirmations and Negations, with much Quarrel and Controversy, on this Head; and as such a Deal of Smoak can, hardly, be supposed, without some Matter of Fire or Embers at Bottom; I will with the good Patience of
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the Court, and of Mr. Serjeant, give the natural and veritable History of this Business.

I am sensible that in the ensuing Account, I shall inevitably offend this People, whose Cause I am pleading, by speaking lightly and disparagingly of some Persons and Things, which they think it their Duty and which it is, therefore, their Virtue to revere. But, I shall proceed in the Course and Investigation of Truth, or of that which I conceive to be the Truth, without Byass or Regard to their Favour or Displeasure.

My Lords, and Gentlemen of the Jury, it is notorious, thro' all History, that, whenever *Religion* hath been impressed into the Service of *Interest*, It hath been taught to speak the Language and avow the Opinions that Interest shall, occasionally, please to dictate.

From the 9th to the 16th Century, *Rome* had usurped and stretched a Sceptre of temporal Jurisdiction over the West. That Sceptre is now broken, that Jurisdiction is no more. Our present Matter of Enquiry is, how this should come to pass.

The Truth is, that his Holiness at that Time, began to feel his Powers failing apace. I would ask Mr. Serjeant if he has read *Shakespear's* Play of *Harry IV*? *Owen Glendower*, the heroic Magician of *Wales*, boasting to *Harry Percy*, crys “ *I can call Spirits from the vasty Deep.*” Why yes, says *Percy*, and “ *so can I, and so can any Man; but will they* “ *come when you call 'em?*” Thus the Pope, at that Time could excommunicate Princes, and charge Subjects to break their Allegiance, he could call the Spirits of Insurrection and Rebellion from the vasty Deep; but, did they come when he called them? no indeed, Mr. Serjeant; He might have spared his Breath, for not a Leaf stirred; and all his Thunders, from that Day, have been accounted no more than a *Brutum Fulmen*.

I had scarce finished this Part of our *English* History, when the Rebellion of 1746 broke out in *Scotland*, and then it was that the *Farmer* wrote his famous Invective, against this People, and prophesied, as many Others did, at the same Time, that the Catholics

tholics of *Ireland* would, indubitably, lay hold on that Opportunity to discharge the Storm, so long brewing, on the Heads of their Protestant Brethren: But, here, we are obliged to turn over the *Farmer* himself, with his Contemporary Prognosticators, to the Class of the false Prophets; for all continued as calm and serene, throughout that Kingdom, as when the *Halcyon* builds her Nest on the smoothed Surface of the Ocean.

What could I now think? I saw that the whole Tenour of the Conduct of *Irish* Catholics during the Memory of Man; and all that History had further recited, of the Manners, Actions, and Dispositions of their Progenitors, was a joint Negation and Contradiction to whatever I had heard or read of the Massacre of *Forty-one*. All Accounts that preceded, and all Accounts that succeeded to that disgraceful Period, concurred to give their Testimonies in Favour and in Honour of this People: This Massacre, alone, stood against all other Evidence; here was a deplorable Falling off, indeed; here lay the

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norant and flagitious, of their infallible Priesthood. If any Layman or Laymen, of this dreadful Communion, shall be guilty of Rapes, Treasons, Murders, Adulteries, Sacrileges, and so forth; They have nothing to do but to step to some petty Individual, of this very forgiving Priesthood, and to acknowledge their Enormities, under the Confessional Seal of Secrecy; and, though the Leprosy of their Soul should be as inveterate as That which infected the *Syrian Naaman*, the Charm of a single Sentence, shall reclaim them to the State of inoffending Infancy; and, thus refreshed and restored, they shall be enabled, like a Giant, to set out on a new and vigorous Course of Iniquity. Perhaps some little Matter of Penance may be enjoined, by way of Atonement, for these Enormities; such as wearing Hair-Cloth next the Skin, or walking with Pease in the Shoes for some small Time; but, if this Hair-Cloth is woven of the Down of Mice; or that the Pease are previously boiled to a harmless Consistence; the Letter of the Law is observed, and All is as it should be.

To

To these, I may add the spiritual Traffic that is carried on by the Church of *Rome*, and the many gracious Indulgencies granted to her Votaries, if not altogether gratis, yet, at a Pennyworth that is admirable, considering the infinite Privileges acquired thereby; even those of Sinning without Guilt, and Offending without Punishment. These Indulgencies also, like other Tenures, may be prolonged and extended on advancing the Price; They may be purchased for Life, or made decendible to a Man's Heirs; an unspeakable Advantage considering what Profligates Children might turn out; or how short a Man, himself, might be taken in his Iniquities, without Time for Repentance which, in other Christian Communions, is deemed previously requisite to a happy Immortality.

But when such Indulgencies are granted by the special Grace and Seal of the Pontiff, himself; They, then, are called Dispensations, and sanctify the Sins that are proposed to be committed. But, further again, should such Sins be intended to promote the Catho-

lic Cause, or to prop the tottering Frame of their ancient Mother, the Church, by pious Breaches of Allegiance, by Rebellions against Government, by the Depopulation of Nations, or Overturning of States; Guilt then becomes a Virrue deserving of Canonization; and the Repugnance arising thereto, from Fealty or Humanity, shall be accounted Guilt unpardonable.

Many and various, throughout History, have been the Mischiefs, the Miseries, the inexpressible Calamities, that attended the *King-deposing* and *King-killing Doctrine*. Need I mention our *English John*, need I mention our *English Elizabeth*? The Christian World is full of Instances of Princes excommunicated and plucked from their Thrones; and of People discharged from all Faith, Submission to Government, or Regard to Civil Society; as though *Rome* were as solicitous to *reduce the World to Chaos*, as the DIVINITY originally was *to create and to form*.

I expect, however, my Lords to be told by this Orator on the Part of the Defendents,
that

that *Rome* never yet attempted to excite or foment Seditions or Rebellions, or to absolve any Subjects from their Allegiance to their Sovereign. That These are the Inventions of a graceless Pack of heretical Historians, And that, if the World gives Credit to any such Stuff, the World is a Blockhead and knows nothing of the Matter.

Counsellor Candour.

My Lords. I am glad that Mr. Serjeant is grown so pleasant with Us. Is not this much better than Railing and Scurility? than giving Us Abuse in the Room of Evidence, and naughty Names, for Want of material Accusation? If we may guess at the Cause of his extraordinary good Temper, he thinks that, at present, he has somewhat to say for himself; and he is not half so angry with his Catholic Opponents, as when all his Sophistry was silenced, and his Authorities, like Artillery, turned upon himself.

I think it, my Lords, incumbent, at this Day, to make a Confession of my own Errors, before this honourable Court. It is not
long

long since I sided with Mr. Serjeant, in this Matter. *I verily thought*, as Saint Paul saith, *that I ought to do many Things against this People*. I was carried down the Current of general Prejudice. I assured myself and persuaded others, that the Insurrection of Forty-one, was a universal Conspiracy of all *Irish* Catholics, for the instant Extirpation of every Protestant throughout the Kingdom; and that they very nearly accomplished their execrable Plot by the speedy Massacre, in cold Blood, of one hundred and fifty thousand of their inoffending Countrymen.

Hence, my Lords, I concluded that Roman Catholics were actually wicked upon Principle, and that the Doctrines, which they had imbibed from their Mother-Church, could, alone, be productive of such unnatural Practices.

Under these Presumptions and Prejudices, while I continued in that Kingdom, I always looked upon *Irish* Catholics with Apprehension and Disgust. I was in continual Expectation of their suddenly breaking out into
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some nightly Infurrection and general Massacre. And I beheld the wonderful Calm of their Conduct and Behaviour, as the Fore-runner and sure Prefage of the more violent Tempest.

It is some Years ago, since, opening *Rapin's* History of the Rebellion of *Irish* Catholics, under *James II.* the last Male of the *Stuart* Line, I began and proceeded with much Attention. I was sensible that This had not been a preconcerted Affair; and that the *Irish* took up Arms, as they apprehended with the King and Constitution upon their Side. I, therefore, did not look for any sudden, horrid, and universal Massacre. But, as the Government was, then, wholly in their own Hands; as the Army was theirs; as all the national Arms were within the Grasp of *Catholics*; as it was evidently in their Power at once to have crushed all Protestants of *English* Descent, within that Kingdom; and, thereby, to have prevented any future Opposition, on their Part, to *Irish* Catholics; I say, my Lords, that, in such a Situation,

Situation, I looked every Moment for some bloody Catastrophe; for military Executions; for partial Massacres, at least; agreeable to their present Power, and to the former Principles and Practices imputed to them.

I looked in vain, my Lords. I still read on, and on. I proceeded till *Ireland* was invaded by an *English* Army under *William* the Third, who was further joined by Thousands of *Irish* Protestants then living in the open Country unhurt by their Popish Adversaries, although in Power; And I considered, within myself, how this might be.

Can these gentle Catholics of *Eighty-eight*, thought I, be of the Blood of those Butchers of *Forty-one*? Is it possible, that the Principles, of the One and the Other, should be the same, when they differ so infinitely, in the Practice and Expression thereof?

Again I read how the *English* and *Irish*, on either Part, agreeable to the Laws of GOD and of Humanity (as far as the same are consistent with the Law of Nations and of Arms) did long continue in open Defiance and Hostility

tility against Each-other. I read of Battles, Sieges, Skirmishes, of mighty Deeds atchieved, of Fields won and lost, with equal Glory: But I read of no Massacre, I read of no Murder, neither of any Thing that could charge or impeach *Irish* Catholics with an Act unbecoming humane and gallant Men; and I was tempted to pity the native Bravery of Those who, at *Boyne* as well as at *Aughrim*, (abandoned by their King, and unanimated by Example) held the Battle in Suspence, against the best Army and the best Leader then upon Earth.

I now began to hesitate, with respect to the Principles long charged, and now repeated by Mr. Serjeant, against this People; Principles so detestable in their Nature and Tendency, that They who even in Secret, can justify to their own Hearts the least of such Abominations, ought to be swept from Society, from the Community of Earth and Air, as Serpents horrid to Sight, and Pests deadly to Nature.

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Here I found that, though *Irish Catholics* looked upon *James II.* as their constitutional and rightful Prince; though they were ready to lay down their Lives and Fortunes in his Defence; though they looked upon King *William* as an Alien to these Kingdoms, as an Invader of the Throne, and as an Heretic and special Enemy to their spiritual and temporal Interests; no Conspiracy, no Treachery, no Act, of Baseness or Cruelty, was, however, attempted against him or his Adherents. All was open and equal War, on the one Part and on the Other. And of this, their glorious Conqueror himself, with his chief Governors and chief Generals, made the most honourable and express Acknowledgement, in the Capitulations of *Limerick*, whereby they are admitted not only to Terms of Peace, but Terms of Amity, as also to the equal Protection of Law and Participation of Property, throughout the Kingdom.

Now, my Lords, how comes it to pass that Mr. Serjeant did not fix on this neighbouring Æra of War, Rebellion, and Bloodshed,

as a Foundation whereon to ground his Charge against the Principles and Practices of *Irish* Catholics? He might, in this Case, have got living Witnesses of Facts who, *viva Voce*, would have attested the Truths of his Allegations, if any Truths were in them. He might have got Thousands of Children who have listened, while their Parents repeated, again and again, the minutest Passages of those Days. No, my Lords, This would not do, he was conscious that these Testimonies were all against him. Matters, in the present Case, were somewhat too recent, and the Evidence of his Majesty, of the Government, of the Generals, of the *English* soldiery, and, indeed, of all *Irish* Protestants, were too strong in the Favour of *Irish* Catholics, to admit of any opposite Charge from the Malice, or Invention, either of Orators or Historians.

With regard to the Catholic Defendants, Mr. Serjeant *Statute* gives us, at present, to understand, that, since he found himself unable to prove their wicked *Principles* from the
Wickedness

Wickedness of their *Practice*; he chuses to take his Argument by the other End, and to prove their wicked *Practices* from the Wickedness of their *Principles*. His Saviour CHRIST tells him that the Nature and Virtue of a *Tree* is to be known from its *Fruit*; but Mr. Serjeant, for the present, is of a different Opinion, he affirms that the Nature and Virtue of the *Fruit* is to be known from the *Tree*; or rather, indeed, from the Judgment and Opinion of Those, who wish It to be *hewn down and cast into the Fire*.

Upon this Footing, my Lords, Mr. Serjeant expects to be restored, as he says, to his original Charge; and to the Credit which he desires the World should give to the Barbarities imputed to our Catholic Defendants.

Restore him then, my Lords, restore him to all and to every Part, of former or of further Allegations against this People. I, indeed, for the Sake of Peace, of palliating and reconciling, for the Coalescing of all Parties into mutual and equal Amity, have purposely dropt many Matters which, though mainly
conducting

conducting to the Cause of my Clients, might have tended, at the same Time, to provoke their Adversaries. For the War that I wage, at present, in Behalf of *Irish* Catholics, is merely defensive: I wish, indeed to shield them from the Assaults of misdeeming Enemies; but I wish not to return a single Weapon to the Bosom of him who cast it. Let not this, however, be a Precedent to Mr. Serjeant *Statute*; if any Lapse of Memory has happened, on his Part; if he is desirous of recommencing his Charge, from the Beginning, on any better Plan, either respecting a new Manner, or additional Matter, let him do so in Heaven's Name; we take no Advantage, we are ready to lift the Target wherever he points the Spear.

I can't, myself, forbear recurring to one Article at least, of Mr. Serjeant's original Charge against the Catholic Defendants; where he says, *he trusts to prove the Danger, impending over all English Protestants, from Men, born of the Blood and educated in the Principles of those Barbarians.*

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Of what Barbarians, I pray ye, my Lords? Our present *Irish* Catholics are, universally, descended from their generous and humane Ancestors of sixteen hundred and eighty eight. True, but these are not the Ancestors Mr. Serjeant would intend. He leaps you quite over these, as *Milton's* Devil leapt into Paradise, at one Bound. He comes, with a backward Genealogy, to a few Miscreants, the Dross and Dreggs that boiled uppermost in Times of Fermentation, and Who, to a Man, either perished by War, or took their Flight beyond Sea, or suffered for their Crimes, with their Abettors and Harbourers, under the *grand Court of Inquisition*, that was appointed to purge the Nation of all such Delinquents.

I am apt, my Lords, to imagine that, had Mr. Serjeant been drawing a Deed of Conveyance, or affirming a Title, by lineal Descent in Favour of some Client; he would not, thus, have forgotten the more immediate Generations. He would not have dug, so deep into Dirt, for an old rusty Sword; if

if he thought he could have furnished himself from any Armoury, at hand, wherewith to assail and wound the Defendants.

But, my Lords, let us suppose that, at the Insurrection of *Forty-one*, all the Catholics in *Ireland* were Rebels, Robbers, and Murderers. Well — From that Period to Eighty-eight, we have a long Term of forty Years and upward; good Time for Repentance and Reformation. Accordingly we find that, if the Parents of *Forty-one* were Profligates, the Children of Eighty-eight were Penitents; they had turned away from the Principles and Practices of their Fore-fathers; they were reclaimed from former Barbarism; They were refined from former Dross; and this, their Gradation from Guilt into Goodness, ought to have been an Assurance, to all their Protestant Brethren, of their future Progression in their Ascent to Virtue.

For myself, my Lords, I confess that the Prejudices, which I had imbibed against *Irish* Catholics, were so strong, that, upon reading the History of their Conduct during the

War of Eighty-eight, I was desirous of discovering any Motive, whatever, to their honourable Proceedings, on that Occasion, rather than any Reformation or Deviation from the vicious Principles which I imputed to them.

I was staggered, however. I recurred, further back into the History of these People. I had been told, as Mr. Serjeant also observes, that our MOST GLORIOUS ELIZABETH had been solemnly, excommunicated by the Pope, and that her Subjects, universally, were discharged from their Allegiance; a double Command, in Effect, neither to suffer her to reign, nor to live upon the Earth. Here, again, my old Prejudices and Opinions were restored. I doubted not to find a Corroboration and Confirmation of the Truth of all the Massacres, alledged to have been perpetrated, during the Reign of *Charles I.* from similar Enormities during the Reign of *Elizabeth.* But how was I disappointed, how was I defeated of my Desires, on this Head! when,
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on the strictest Enquiry, I could find no Massacre, no Murder, no Insurrection, nor even Commotion, that could be referred to these *horrid Articles of Excommunication and Dispensation*, or to the Principles of Papists alledged to be conformable thereto.

Serjeant Statute.

Your Pardon, Mr. *Candour*, several Conspiracies and Rebellions ensued thereon.

Counsellor Candour.

Subsequent thereto, there did, Mr. Serjeant: But no Conspiracy or Rebellion, not a single Murder, or Maim, in Consequence thereof. When all were Pagans, or when all were Papists, in All Countries, and all Ages, when no Quarrel nor contention subsisted, with respect to Religion; there have not been wanting Conspirators, or Assassins, Insurrections, or Rebellions. Neither can it be said that the Poignard, which stabbed a *Protestant Henry* or a *Popish Lewis*, was lifted by the Religion of the one *Seet* or of the *Other*.

The Truth is, that his Holiness at that Time, began to feel his Powers failing apace. I would ask Mr. Serjeant if he has read *Shakespear's* Play of *Harry IV*? *Owen Glendower*, the heroic Magician of *Wales*, boasting to *Harry Percy*, crys “ *I can call Spirits from the vasty Deep.*” Why yes, says *Percy*, and “ *so can I, and so can any Man; but will they* “ *come when you call 'em?*” Thus the Pope, at that Time could excommunicate Princes, and charge Subjects to break their Allegiance, he could call the Spirits of Insurrection and Rebellion from the vasty Deep; but, did they come when he called them? no indeed, Mr. Serjeant; He might have spared his Breath, for not a Leaf stirred; and all his Thunders, from that Day, have been accounted no more than a *Brutum Fulmen*.

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dark Blot that degraded and dishonoured their whole Escutcheon.

To reconcile such apparent Inconsistencies, and to clear my own Doubts, on this Head ; I enquired, I searched, and made a Collection of all the Histories, Memoirs, Extracts of Records, Pamphlets, and Papers, that related in any Measure, to the Wars of *Forty-one*. I compared each Author with others, I compared him, also, with himself.

I found that Lord *Clarendon's* Spleen, if any Spleen he had to these People, did not survive the first two or three Days of the Rebellion. And, though He does not, in form, retract his original Assertion, that they had murdered forty or fifty thousand Protestants, before Warning or Time for Escape ; yet his whole subsequent Account, of the Tyranny of their Rulers, of the Inveteracy of their Enemies, of their Sufferings, of their Patience, of their Inclinations to Peace, of the Loyalty of their Chiefs, and of the Charity of their Priesthood, are more than a thousand Retractions of one inadvertent,
or

or interpolated, Sentence, which must have been wholly absurd and false, if his own subsequent History, if the History of all Others on the same Subject, if the Confession of the bitterest Enemies of *Irish* Catholics, if the Testimonies, even of a puritannical Government, of the Lords Justices and Council of *Ireland*, deserve any Credit.

Again, I perceived that Sir *John Temple* and Doctor *Borlase* had industriously sharpened their Pens with a Desire of wounding; and I found, also, upon Enquiry, that they were, by Policy, as well as by Inclination, the avowed and interested Enemies of the Catholics of *Ireland*. But, unhappily for the Credit which they might otherwise have obtained, they were frequently obliged to quote Matters of Record and public Recognizance. In this Case they did not dare to deviate from the Letter; they were, reluctantly, compelled to insert many Inconsistencies, in this Page to refute what they had written in that, and thus, with one Hand they expunged what they had blackened with the Other.

Again,

Again, my Lords, when I had compared those three Historians with all others who had treated of the same Subject: When I had rejected the Impossible; admitted the Probable; and set down, as indubitable, whatever their concurring Testimonies united to affirm. I found that the Catholics of *Ireland* had been, designedly, vilified, in order to prevent the Restoration of their Estates, on the Restoration of the Monarchy. That they had, at three several Times, most earnestly though vainly, petitioned the Government that the Misdeeds of those Times might be strictly enquired into, for the Acquittal of Innocence and the Punishment of the Guilty, on both Parts. And I further and finally found, that the said wonderful Detail, of Murders and Massacres, was little other than a Bundlement of legendary Stuff exaggerated by the Fears and Inventions of the Times. That a Picture drawn from a few Reprobates, spued out both by their Civil and Ecclesiastical Communion, was set up as the Representative of this whole People. And that Malice, as it were, had painted

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a cloven Foot, and had artfully written under, EX PEDE CATHOLICUM.

Serjeant Statute.

My Lords, Mr. *Candour*, some Time ago, did me the Honour to intimate that *I might have somewhat to say for myself*, in the new Matter which I exhibited against these Catholics, respecting the inherent Wickedness of their Principles. And I have been waiting, with much Patience, this half Hour and upward, for an Opportunity to return Mr. *Candour* his Compliment. He appears, however, industriously to decline *having any Thing to say for himself* on this Head. He has reconnoitred the Subject genteelly enough, I confess; and has talked, with much Eloquence, about it, and about it. But, if he thinks himself equal to a Combat, in this Cause, why does he not come to closer Engagement? Perhaps he has forgotten, or chuses not to recollect the Purport of my Charge. Permit me, my Lords, to refresh his Memory in this Matter.

Counsellor

Counsellor Candour.

You will not find any Need, Sir, You will not find any Need. There is much of Gallantry, as also of Confidence, in your Challenge, Mr. Serjeant. But, how long that Confidence will uphold you is a Matter of some Doubt. For I trust, Sir, for the Time to come, to save you the Trouble of ever repeating your said Charge, either here or elsewhere.

It might, my Lords, be an Experiment curious enough to enquire how far Mr. Serjeant's Charge, supposing the same to be true, could affect the Morals and Conduct of Roman Catholics in general; how far, I say, those Tenets, so damnable in themselves, so everfive of Christianity, and so shocking to human Nature, could influence this People, supposing them to be the Tenets of the Church of *Rome*.

I have formerly taken Notice that Virtue, and Vice, are Qualities no Way peculiar to any Nation or Sect. That neither Precept, Education, nor Religion, itself; no Doctrines,
nor

nor Preachments, however zealously inculcated, have yet proved available for converting People, wholly, to *Benevolence* or *Malevolence*, to *Good* or to *Evil*.

We see Turks, who are unblest by true Religion or Liberty; who are the Slaves of Slaves; without a Form of civil Government, temporally subjected to the Will of a Tyrant, and spiritually to the Worship of a sensual Impostor; We see, I say, however, that they live in Charity, and kindly Neighbourhood, with all other Sects and religious Denominations. Even the wild Indians, who never listened to the Toll of a Bell, nor ever were called into any Court of civil Judicature; These want not their Attachments, their Friendships, their Family Feelings, nor the sweet Compunctions and Emotions of the HUMAN HEART DIVINE.

The Truth is that People live, incomparably, more by Impulse and Inclination, than by Reason and Precept. Reason and Precept are not, always, instant or at Hand; but Inclination is more than at Hand, it is within
and,

and, from the Citadel, rules the Outworks of Man at Pleasure.

When the Apostle, speaking of CHRIST, affirms that *there is no other NAME under Heaven, whereby a Man may be saved*: And again, When he affirms that *Those, who have not received the Law, are a Law unto Themselves*; He intends one and the same Thing; He intends that CHRIST, from the Fall of Man, is a PRINCIPLE of REDEMPTION in the Bosoms of all Living. That he is not an *outward* but an *inward Redeemer*, working out our Salvation *by the Change of our depraved Nature*. That in and from Him, and Him only, arise all the Sentiments and Sensibilities, that warm the Heart with Love, that expand it with Honour, that wring it with Compunction, or that heave it with the Story of distant Distress; and that He, alone, can be qualified to be Judge, at the last Day, who, from the first Day to the Last, was internally, a Co-operator and Witness of all that ever passed within the Bosoms of Men.

Hence

Hence it is that, although the Christian Countries have received the *two Tables*, of the Laws of CHRIST, his *external* as well as *internal Revelation*; (Each witnessing to the Other, that the GOD of our *Gospel* is the GOD of our *Nature*) the Nations, however, who are Strangers to his Name, yet acknowledge his Influence; they do not, indeed *bear*, but they *feel* the Precepts of that LIGHT *which lighteth every Man who cometh into the World*.

Many Infidel-Reasoners and Infidel-Writers, wholly mistaking this Matter, give large Encomiums to the native Morals, of *Indian Nations* and others, in Preference to Nations illuminated by the Gospel; not knowing, at the same Time, that they actually compare and reproach CHRIST with HIMSELF. But Mr. Serjeant goes a Step further; he reproches a Church of CHRIST with Tenets which ANTICHRIST, alone, could adopt; an Enemy equally adverse to Nature and Revelation.

Supposing,

Supposing, then, that *Rome* was this very *Antichrist*, let us inquire how far her Influence prevailed, in perverting the Morals and native Goodness of her Members.

There were, My Lords, *three capital Periods*, during which, the Court, and the Church, and the Constituents of the Church of *Rome*, were, if ever, under very extraordinary Temptations to put the said abominable Tenets into Execution, to wit, during the *Reign of Elizabeth*, during the *Wars of Forty-one*, and during the *Wars of Eighty-eight*.

The temporal Powers of *Rome* had been greatly broken in upon, Her ecclesiastical Jurisdiction had been, also, much abridged, and, at those Periods, was threatened with utter Extirpation in these Kingdoms. Ambition, therefore, the Lust of Rule, and of temporal Wealth and Prosperity, urged her to violent Measures for the Reparation of those Damages which she conceived to have been injurious; and her Religion, itself, might seem to plead to Her, for the Exertion of her secular Forces in its Defence.

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It is evident then, my Lords, that, if *Rome* ever offered Dispensations and Indulgencies for Crimes to come, If ever she preached up Conspiracies, Insurrections, Rebellions, Murders, Massacres, the Extirpation of Schisms, and the Excision of Heretics, as Matters meritorious with CHRIST and with GOD; she would have dictated and preached them up, at those three several Periods, she would have inculcated and enforced them on every Member of her Communion.

But, if she did preach them up, pray what was the Consequence? we have seen the Consequence, my Lords; we have seen that, in such a Case, the Catholic Priesthood as well as Laity, of *England* and *Ireland*, were, almost universally greater Rebels to the State and Church of *Rome*, than to the Protestant or Puritan Government of these Kingdoms; and that they chose to be the Servants of that Word, which CHRIST revealed to their Ears, and impressed upon their Hearts, rather than Servants of Tenets everfive of all Morals, and abhorrent to human Nature.

Should a Foreigner of some distant Nation, or distant World, be told of the Principles of the Religion established in *England*; should he be told that It is no Other than the *Law of eternal Love*, beaming forth and expanding into Actions and Sentiments of unbounded Benevolence. That it teacheth its Votaries to return Good for Evil, and Affection for Hatred; to look down upon Earth and All that is transient as Matters beneath the Attention of their immortal Spirits; to reject Riches, Honours, Pleasures and temporary Emoluments; as Toys fitted, only, for such of the Children of Men who are ignorant of their own Natures, and of the Advantages that are infinitely suited thereto; to say to this whole World, thy Goods are nothing unto me; to embrace Affliction; to smile under Calamity; and to regard Time, Pain, and Death itself, merely as Porters of that Gate which opens on a glorious and blissful Eternity. Should such a Foreigner, I say, be thus apprized of the Principles of our *English* Protestants, before he was acquainted with the Professors thereof; could he form a
higher

higher Idea of the Rectitude of any Creatures, though he were to be introduced to the Society of the Seraphim?

But, should this Foreigner, afterward, come to compare Action with Sentiment and Doctrine with Deeds; he might possibly conceive that We deemed it quite sufficient to be pious, by Principle; but that we dropped the Practice, thereof, on the high Road of Life to be picked up, by any who might deign to stoop for the same.

We see then, my Lords, that the good Principles, of a Church, are not necessarily attended by conformable Practices, and, consequently, that the evil Principles, of a Church, are not necessarily productive of the evil Practices of its Members.

Mr. Serjeant, my Lords, hath told us that one *John Gotter*, in a certain Book, entitled *a Papist misrepresented and represented*, has specified and acknowledged his late Charge of abominable Tenets, as Tenets generally ascribed to the Church of *Rome*.

No, my Lords, this is not the Fact. Doctor *Gother* specifies the said abominable Tenets, as Matters of mere Calumny; as Falshoods invented, by some designing Enemies of the Roman Catholics, with a View to bring the Hatred and Persecution of the World upon them. And he appeals to the Church of *Rome*, and to every Member thereof, for their utter Rejection and Abhorrence of such Doctrines.

We all know how difficult it is for any Society or Individuals of Society, to defend themselves from the Malice of those who hate or have Cause of Quarrel with them. Even CHRIST was said to have been confederated with Devils, while he was busied in conquering the Kingdom of *Satan*.

But, my Lords, as the World, for some Ages, hath been pestered and disturbed with Affirmations and Negations, with much Quarrel and Controversy, on this Head; and as such a Deal of Smoak can, hardly, be supposed, without some Matter of Fire or Embers at Bottom; I will with the good Patience of
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the Court, and of Mr. Serjeant, give the natural and veritable History of this Business.

I am sensible that in the ensuing Account, I shall inevitably offend this People, whose Cause I am pleading, by speaking lightly and disparagingly of some Persons and Things, which they think it their Duty and which it is, therefore, their Virtue to revere. But, I shall proceed in the Course and Investigation of Truth, or of that which I conceive to be the Truth, without Byass or Regard to their Favour or Displeasure.

My Lords, and Gentlemen of the Jury, it is notorious, thro' all History, that, whenever *Religion* hath been impressed into the Service of *Interest*, It hath been taught to speak the Language and avow the Opinions that Interest shall, occasionally, please to dictate.

From the 9th to the 16th Century, *Rome* had usurped and stretched a Sceptre of temporal Jurisdiction over the West. That Sceptre is now broken, that Jurisdiction is no more. Our present Matter of Enquiry is, how this should come to pass.

During the first nine hundred Years of the Christian Dispensation, the Church was the Object, not the Author of Persecution. Inquisitions were, then, wholly of Pagan Institution; and the Christian Sufferers addressed many an Apology, to the Heathen World, wherein they truly set forth that the Principles and Practice enjoined, by their divine Legislator, were incapable of Offence toward any Government upon Earth. That his Religion, being that of Love, Peace, and Forbearance, could not possibly be at Variance with any System of temporal Policy; and that the Obedience, enjoined by CHRIST to the *Civil Magistrate*, was answerable to every Purpose of Civil Subjection.

But, when temporal Dominion was wedded, by the Roman Pontiff, to spiritual Authority, his spiritual Authority was speedily instructed in the Language and Sentiments of temporal Dominion. And *Rome*, now, refused that Toleration to Others which, with all the Force of Reason and Eloquence, she had formerly claimed for herself.

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As she had founded her new Pile of earthly Domination upon the Broad Bottom of her Ecclesiastical Influence, she grew excessively fond of making Profelytes to her Faith, since she now looked upon Them as Profelytes to her Power; and she became outrageous on the smallest Defection from her Church, as she held it to be a Weakening and Diminution of her State. Her spiritual Prelates were, now, become temporal Princes; they rather constituted the *Court*, than the *Church of Rome*. It is not, then, to be wondered that, in their temporal Capacities, they preferred Earth to Heaven, and imposed some Opinions, as Matters of Religion, that were dictated, merely, by Ambition and civil Policy.

By such Means did *Rome* arise to her *ne plus ultra* of all worldly Glory. She assumed a perpetual and universal Dictatorship. Whom she would she pulled down, and Whom she would she enthroned; Princes kissed her Feet, Emperors held her Stirrup;

and she made Presents of Diadems to the Children of Obedience, as Garlands, or such like Favours, to be worn for her Sake.

While the World thus laboured beneath the double Yoke of the temporal and spiritual Tyranny of *Rome*, a few Ecclesiastics of her own Communion, had the Boldness to remonstrate against the Innovations that, from Time to Time, had been imposed by the *State*, upon the *Church*; They, accordingly proposed a general Reform, and strenuously urged for a Reduction of Christianity to its first Principles.

Thus did these Ecclesiastics put the World in Mind that it was Time for them to think and judge for themselves. People listened, with Avidity, to the Detection of such Errors as were alledged to have been adopted under the Papal Dispensation. Several Princes, also, who wished to be freed from the Shackles of his Holiness, gladly laid hold of this favourable Disposition in their Subjects. And, when the *State* of *Rome* refused to make any Reform in the *Church*, these Princes cast aside
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all future Allegiance to her *Church* and her *State*; and the Nations claimed a Right, in *Temporals*, and even in *Spirituals*, to judge and act for themselves.

Then were heard the Papal Thunders, far and near, *Europe* trembled thereat. But, when People perceived that None was blasted thereby, their Terrors gradually subsided; and now the Bulls of *Rome* may bellow, as harmless and unregarded, as the bleating of so many Sheep at *Banstead*.

From that Time forward, the Power of the Roman Court began to decline apace. Though the Pontiff had long claimed the Investiture of all Authority, in Earth as well as Heaven, yet He did not equally pretend to a divine Delegation for Both. Even those Potentates, who continued to acknowledge his spiritual Supremacy, scrupled not to resume his temporal Usurpations. His wide World is now shrunk to a little Demesne in *Italy*, and his Power is disclaimed by the few remaining Signories who do him Homage with their Lips.

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This Divorce of *temporal Dominion* from *Spiritual Authority* has again, restored *Rome* to her primitive Charity. Wars, Feuds, and Insurrections are no longer her Interest, and she is become a sincere Preacher of Peace upon Earth. Indeed her absolving of *Subjects*, from their Allegiance to *Sovereigns*, was never any Part of the Dictates of her Religion, They were, soley, the Dictates of her Ambition and worldly Policy; and, as her Policy has long ceased to dictate such Matters, we cannot possibly have any thing to fear from her Religion. She is, now no longer a *State*, she is no more than the *Church of Rome*; and she is, literally, able to say, with her MASTER, *my Kingdom is not of this World.*

The Deposing and King-killing Doctrine, my Lords, as I have already intimated, might once have been the Doctrine of the *State* or *Court of Rome*. But, I shall now demonstrate, that It never was the Doctrine or Principle of her *Church.*

Long before the Reformation, some such Doctrines were, occasionally, imputed to
Rome;

Rome; and This, we will suppose, could not have been done without some Colour. But, long before the Reformation, also, her Church exculpated itself from such abominable Imputations. We all know, my Lords, that the freest Thinkers of her Communion, however they may make light of the Opinions of their Doctors, or of the Ordinances of the Pope himself, they however, without Exception, confide in the Infallibility of a general Council; They believe all its Decisions to be sacred and indisputable, and hold themselves obliged to conform thereto.

Wherefore, My Lords, if I can prove to Ye, from the Authority of a general Council held at *Constance* in the Year 1415. From the Declaration of all the Academies of *France* in the Year 1626. From the Declaration of the Provincial Congregation of the Jesuits held at *Ghent* in the Year 1681. From the Declaration of the *French* Clergy in their general Assembly held in the Year 1682. From the avowed Tenets published by their most eminent Doctors. And from the Doctrines universally

versally and daily inculcated, by Manuals and Books of Devotion approved by their Church, and printed for the Use of their Families, and the Instruction of their Children, and the Children of their Children, without End. If I can thus prove I say, my Lords, from the invariable Doctrines of the Church of *Rome*, whether taken universally, partially, or individually, that her Principles are wholly the Reverse of Those with which Mr. Serjeant is pleased to charge her; I shall desire to know what Footing, or Foundation, the Universe can afford, upon which his said Charge may be permitted to rest?

Ye have, already, heard the Principles imputed by Mr. Serjeant to the Church of *Rome*. Be pleased, now, to hear the Church of *Rome*, in her Turn; and judge whether it is from Mr. Serjeant, or herself, that ye are to learn her own Opinions; or, how far ye ought to allow an Imputation of Doctrines, which all must teach for themselves, and which no one can teach for another.

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Her Councils, Synods, Assemblies, Academies, Doctors, and the Individuals both of her Clergy and Laity affirm, as is evident by the Testimonies here in my Hand; That *the Pope hath no Authority over the temporal Power or Jurisdiction of Princes. That, neither a Papal Consistory nor even a general Council can absolve Subjects from their Allegiance. That it is impious and damnable in any Man to attempt to depose his Sovereign on account of his being a Heretic or excommunicated for Heresy. That, should the Pope undertake to absolve any People from their Allegiance to their Prince, such Absolution or Dispensation would, in itself, be null and void. That all Catholic Subjects, notwithstanding such Dispensation, are bound in Conscience to defend their King and Country, at the Hazard of their Lives and Fortunes, even against the Pope himself. That the King-killing Doctrine, or Privilege for murdering Princes excommunicated for Heresy, is damnable and heretical, and contrary to the known Laws of God and Nature. That no Power upon Earth can licence any wicked or immoral Action, neither dispense with Lying, Perjury, the Massacre of our Neighbours,*

bours, or the Damage of our native Country, under Pretence of promoting Religion or the Catholic Cause. That all Pardons and Dispensations granted, or pretended to be granted, in order to any such Ends or Designs, can be attended with no other Advantage or Consequence than that of adding Sacrilege and Blasphemy to the Crimes proposed to be licenced. And, that the Doctrine of Equivocation, or mental Reservation, is detestable in its Principles, is wholly contrary to Christian Simplicity and Sincerity, and in its Consequences, is ever sive of Truth, Justice, and common Society.

Now, my Lords, as these are the Principles and Doctrines that have been invariably avowed, professed, and taught, by the Church of *Rome*, and all her Members, during some Centuries last past; I want to know who it is that has a Right to set up another System in her Name? I want to know what possible Exception, or Doubt, can remain in the Minds of People, respecting this Matter?

There is my Lords, there is one possible Doubt still left. Captious People may ques-
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tion whether Roman-Catholics are sincere in their Profession of these Principles ; and the only remaining Test of that Sincerity, will be to enquire whether their Practices have been conformable to such Professions ?

Alas, my Friends ! Heaven forbid that ever Protestants should be tried by the same Test.

But, with respect to this same Deposing and King-killing Doctrine. Was the sovereign Prince of *Geneva* deposed and expelled by Papists ? no, my Lords, neither *Calvin* nor his Followers, as I take it, were Papists. Was *Sigismund* deposed from *Sweden* ; or *Philip* from the *Netherlands* ; or *Mary* from the Throne of *Scotland* by Papists ? Was the said *Mary*, or her Descendant, *Charles Stuart*, put to Death by Papists ? No. All this was done by the Members of the Reformation. But, shall all the Practices of the Reformed be ascribed to the Principles of the Religion that they profess ? God forbid.

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On the other Hand; if we put the Sincerity of Roman-Catholics to this Test, by comparing their *Professions* to their general and known *Practice*, regarding Civil-Government; we shall find that they match like a Pair of Indentures, and that the one has been perfectly conformable to the other. Even, in those Countries where a different Religion is established by Law, as in *Sweden, Brandenburg, Hanover, Upper Saxony, Holland, &c.* In every Climate, I say, and under every Constitution, we still find them distinguished for their Amenableness to Authority, and for their Attachment, Fidelity, and Affection to their Rulers.

And now, my Lords, if the good Principles of these People, with respect to Civil-Government, have been professed and asserted, by themselves and their Church, during many Generations. If these *good Principles* have been, further, attested and approved by their *Practice*, in all Countries, and under all Constitutions; I request to be informed of
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any possible Doubt in a Case where every possible Proof is exhibited.

Lord Chief Justice.

Mr. Serjeant *Statute*, Have you any Thing in Reply to what has been argued on the other Side?

Serjeant Statute.

If your Lordships, and you, Gentlemen of the Jury, shall think a People deserving of public Confidence who, notwithstanding what has been argued, in excuse of other Principles, are professedly Idolaters, Worshipers of Gods of Paste, of Relicks, and Image-Trumpery, with Legions of Saints and Saintrels, and so forth; I shall proceed to fresh Matter.

Counsellor Candour.

It is, my Lords, an uncontroverted Maxim, in Politics, that States have no Jurisdiction over Matters of Opinion that do not interfere with the Weal of the State. Thus, if two Men quarrel, and one of them assaults and maims the other, on a Dispute about the Derivation of a *Greek* Word, or concerning

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the Entablature of the Pillars of the *Jewish* Tabernacle, the State should certainly take Cognizance of the offending Party, without regard to the Propriety or Impropriety of his Opinion, with which the Public has no Manner of Concern.

The only Use of Religion to Civil Government is, by making good Men, to make good Subjects. And, in a State or Community, all Religions are tolerable whose Opinions are not chargeable with *political Immorality*, or, that do not make *bad Subjects* by making *bad Men*.

Now, if the Gentleman can shew that these erroneous Opinions, which, by the Bye, are denied by the Church of *Rome*, are chargeable, as I say, with political Immorality; if he can shew that They are productive of Treasons, Murders, Robberies, Seditions, or the Like, he will touch upon Something that may tend to his Purpose.

Serjeant Statute.

I always thought, my Lords, that Immorality consisted in the Deviation from Truth.

Counsellor

Counsellor Candour.

No, my Lords, there are many Millions of Truths, in Mechanics, Mathematics, in Physics, and even in Ethics, the Negation of which cannot possibly be charged with any evil Tendency or Effect. *Moral Evil* consists in *Malevolence* alone; and those Sentiments or Opinions, that tend thereto, or are Consequences thereof, are Criminals and Aggressors against Society.

But, my Lords, speculative Errors or Ignorance may, in certain Cases, be more than politically innocent, they may be politically useful. Auricular Confessions, Purgatories, Fasts, and Penances, are to the Members of the Church of *Rome*, what Discipline is in the military Department, they preserve Roman Catholics in the familiar Use and Practice of daily Obedience; and this Habit of Respect and Submission to ecclesiastical Discipline is, not unnaturally, attended with Respect and Submission to the secular Powers. Thus, the Obedience of these People to the Authority of their Church is an Earnest of

their Obedience to the Authority of all States, whether Heathen or Christian, under which they live. We cannot, indeed, boast of their being Sticklers for popular Rights, or Champions for Liberty; but we can truly affirm that they are the most loyal and amenable of all Subjects, under the Sun.

Lord Chief Justice.

Gentlemen of the Jury,—with your Leave, and that of the Gentlemen of the Bar, I will now proceed to my Charge, in the simplest and succinctest Manner I can.

Serjeant Statute.

I must, yet, entreat your Patience, my good Lord Chief Justice.

Although all other Catholics, throughout the Universe, were to be accounted loyal, peaceful, and amenable to Government, as well upon Principles of Religion as of civil Policy; yet the Catholics of *Ireland*, can never prove loyal to the royal House of *Hanover*, or to any other princely Succession, so long

long as an Individual of the unfortunate and infatuated House of the *Stuarts* shall remain.

Mr. *Candour*, himself, has been exceeding honest and ample on this Head. He has shewn us that *Irish-Catholics*, notwithstanding their temporal and spiritual Grievances under *James* and *Charles* I. and notwithstanding their Rejection of a Puritannical or Republican Government, still continued inviolably attached to the Persons of the said Kings; as they did, also, to the Persons of *Charles* and *James* II. and to the last Regent of that inauspicious Line.

It should seem indeed, by the History of their Behaviour under the whole Race of the *Stuarts*, that these People are of a Species, like Spaniels, whose Obedience and Fondness encreases in Proportion to the Lashes that are inflicted by their tyrannical Masters. Their Loyalty appears to partake of the Propensity of the Bull-Dog, who will not quit his Hold, though rent Limb from Limb.

What Prospect, then, what Expectation can we reasonably form, that *Irish-Catholics*

will be induced to bear any cordial Fealty to our present illustrious House, while a Twig of their anciently beloved Stem shall subsist? We may as well hope to sever Attraction from Matter, as to tear, from the Breasts of this People, their Inclination and Attachment to the *Stuart Line*. Thither their Looks, their Desires, and Expectations will tend, to the Last; as some benighted Mariner looks to the Polar Star, whereby he hopes to steer to a Haven of final Safety,

Counsellor Candour.

I now begin, my Lords, to perceive the great Advantage of Oratory; and almost to think it a Match, in Controversy, against Truth and a good Cause.

Mr. Serjeant, undoubtedly, conscious that he could assign no rational Motive for the Attachment of *Irish-Catholics*, to that ancient House of the *Stuarts*, artfully describes this chimerical Attachment, as irrational; and, thereby, avoids the Necessity of assigning any Motive or Cause for the Same.

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I, however, acknowledge that he plentifully supplies all Deficiency of Reason with positive Affirmations, that the Fact is so. He, himself, appears so fully persuaded thereof; and he has rendered his Affirmations so feasible and pleasing, by a Number of illustrating and agreeable Images, that we are almost compelled, against our better Knowledge, to fall in with his Opinion.

Mr. Serjeant, among other Things, takes Notice that *Irish-Catholics* rejected a puritanical or republican Government. But is it to be wondered that a People should do so, who, through a Succession of above ten Centuries, had been invariably attached to Monarchy and Episcopacy?

He tells us of the Weight, of the many temporal and spiritual Grievances, under which this People laboured, during the several successive Regencies of the *Stuart* Family. If he finds any consequent Groanings, Repugnancies, and Remonstrancies; he yet finds, on the Part of *Irish Catholics*, no Intention of any direct Opposition or Rebelli-

on against the Persons established, by Law, on the Throne. This he admires, he is amazed at it, he knows not how to account for it. *Passive Obedience* and *Non-Resistance* came into his Head; and he compares this People to Spaniels whose Fondness is encreased by the Lashes and Inflictions of their inhuman Masters.

If it were any way pertinent to the Cause I have in Hand, to justify the Amenableness of *Irish Catholics*, at such Seasons, I would ask Mr. Serjeant, what ought they to have done? Had they actually rose in Rebellion, had they dethroned one or more of the said oppressive Princes, whom had they to substitute in the Place of the Deposed?

It is true that they continued obedient to *James I.* to *Charles I.* to *Charles II.* and to *James II.* as they, afterward, did to *William III.* to *Queen Anne*, and, with much better Reason, to *George I.* and the *II.* whom they acknowledge of humane and illustrious Memory. But, my Lords, does their Submission to the said *Stuarts*, by whose Tyranny they

they were galled, imply that they had no Feeling nor Resentment of their Wrongs? Is it further to be inferred that they became the more attached by the Greatness of their Losses, and the more enamoured of this House by the Severity of their Sufferings?

I will shew Ye, my Lords, that this was unnatural, impossible. I will shew Ye that this inauspicious Race, were inauspicious, above all others, to the Catholics of *Ireland*. That their Hardships commenced under the *First* of the *Stuarts*. That their Sufferings encreased under the *Second*, *Third*, and *Fourth*. And that their Ruin was compleated by the *Fifth* and last of that Name. And that it is not possible for this People to remember their Undoing, without remembering the Hostility of those who brought it about.

On the Accession of *James I.* to the Throne of *England*, *Irish* Catholics, as I once before observed, were seized of most of the Lands in that Kingdom. This first *Stuart* was, then, the first Invader of these their Properties, and, under the Finesse of Law, deprived them

them of more Lands than all the *English* Adventurers had been able to lay hold of, by War and strong Hand, during ten preceding Regencies.

Charles I. shewed his Approbation of the Measures of his honest Ancestor, by vigorously running the same Course. *Ireland* saw no End of Inquisitions and Seizures. Many private and Parliamentary Remonstrances were made, against these warranted Plunders and legal Iniquities. The King, teized or, possibly, shamed into a Stop of such Abuses, had promised the Proprietors Redress and Restoration. His Deputy *Strafford*, however, secretly dissuaded him from such rash and indiscreet Retributions; and promised to take the whole Blame of the Knavery upon himself. The King, as secretly, thanked him for this seasonable Saving of his escheated Lands and Honour; and though, afterwards, in the Time of his own Distress, his Majesty professed his Repentance of those Injuries to others, and accordingly transmitted his Acts, of Limitation and Relinquishment, by the Committee

mittee of the *Irish* Parliament; yet the Government found Means to defeat the said Acts; and the King's said Graces *became null and void*, and his said Usurpations *remained in full Force and Virtue of Law*.

During the Authority of the Parliamentary Government, as also during the Regency of *Cromwel*, many further Seizures were made of the Estates of *Irish-Catholics*, as well under Colour of the Defection of *Forty-one*, as on Account of the Services which the *Irish* had rendered, in *Scotland*, to King *Charles I.* and to King *Charles II.* against the *English* Parliament, and more particularly against the *Scotch* Rebels, whom they defeated in a Number of desperate Engagements. The *Irish*, however, fondly assured themselves of the Restoration of these their Estates on the Restoration of the Throne to that Family, in whose Behalf they had lost their Blood and their Fortunes. But, how cruelly were their Hopes defeated! This second of the Name of *Charles*, and Third of the *Stuart* Line, no way degenerating from the Severity of his two Ancestors toward *Irish* Catholics,

and,

desirous of conciliating his formidable Enemies, at the Expence and by the Sacrifice of his invariable Friends, transferred, and confirmed, into hostile Hands, the Properties and Estates that had been holden by his Defenders; he received to his Bosom the Partizans of the late Usurper; he ensured to the *London Merchants* more than a threefold Equivalent of Lands in *Ireland* for the Money which they had advanced to carry on the War against his Father *Charles I.* and he consented to a special Exception of *Irish Catholics* from the general Act of Indemnity which passed in Favour of all others, respecting the late Times of mutual Turbulence and Offence.

Serjeant Statute.

My Lords, if I do not forget, *Charles II.* made a special Reservation in favour of a Number of the *Irish Gentry*, who had accompanied him, during his Exile, or had been, otherwise, personally attached to himself and his Father, and expressly provided that an Equivalent should be given Them, in

in lieu of those Estates which they had forfeited in Consequence of their adhering to the Crown.

Counsellor Candour.

Such a nominal Provision, indeed, was appointed, and conditioned to be carried into Effect, whenever the proposed Equivalent should be found: and this proved, exactly, as honest and as profitable, as enfeoffing them with like Territories, in the World of the Moon, provided they were so tall, or so ingenious, as to reach them.

Ye have now, my Lords, had a Detail of all the Favours and Benefits which ought to have attached the Gratitude, of the *Roman Catholics of Ireland*, to the Descendents of the three First of the *Stuart* Family. Let us see if they prospered better by the Generosity of their Successors?

They, now, found themselves deprived of most of the Lands which they possessed, on the Accession of the first *Stuart* to the Throne of *England*. A Remnant, however,
was

was still left to those, who had sided with the Common-wealth, or who, by a prudent Neutrality, or by Minorship, or other Accidents, were preserved from any Impeachment or Colour of Defection.

But, here again, comes *James II.* the fourth of that friendly House, to take away, at one Sweep, whatever had, inadvertently, been left by his Predecessors. His personal Appearance, with the Government and Constitution, as they imagined, on his Side, were tempting Baits to seduce them from their better Interests; but his Promise of re-establishing the Religion of their Fore-fathers, and of restoring them to the Possession of all their lapsed Estates, overbore all Hesitation, and *Irish Catholics*, to a Man, embraced his Cause.

So great was the Folly and Superstition of those Days, that many even of the Protestants, against Interest and Common-Sense, sided also with this Enemy of their Rights and their Religion. They had not, it seems, reconciled themselves to King *James's*, *involuntary*

untary Abdication of the Throne, a most futile and needless Apology for rejecting him ; when he first ABDICATED THE CONSTITUTION, he, then, ABDICATED THE THRONE, and by the most effectual of all possible Releases, discharged every Subject in the three Kingdoms from their Allegiance.

In the mean while, all the Advantage that the *Irish* received from this Phœnomenon of the *Stuart* House, that appeared so wonderfully to rise and blaze forth in their Favour, was, that He subjected them to the Forfeiture of all the little Property which his Predecessors had left them ; that he paid their *true Courage* with *false Money* ; and that he abandoned their Persons to the Defence of his own Cause, though he himself, in Person, did not dare to avow it.

Happy for this poor People, the Conqueror of *James II.* was not of the *Stuart* Race, and was, still, a greater Alien to their Policy and Disposition, than he was to their Blood. *William* pitied both the Civil and Religious Prejudices of *Irish Catholics*. He beheld them

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as Enemies no longer than he beheld them with the Sword in their Hand. He restored to them the Properties and constitutional Privileges, of which they had been in Possession, at the Time of their opposing his Accession to the Throne. And, though he could not restore to them those vast Territories which they had lost, by Means of the *Stuarts*, He yet left them the free Privilege of acquiring an Equivalent, whenever they should be enabled, by the Products of their Industry, to purchase the Same.

Unhappily for this People, as also for other Purposes of infinite Import, the Reign of this Monarch was but of short Duration. To him succeeded Queen *Anne*, the last of the *Stuart* Line, and, with one Stroke, gave the *Coup de Grace*, or finishing Blow, to all the Misfortunes and Expectations of Roman Catholics in *Ireland*. Her Ancestors had barely deprived them of those Inheritances, of which they were in immediate Possession; but *Anne* took due Care, and made effectual Provision that neither they, nor their Posterity

city, should ever inherit a Foot of Land in that Kingdom.

It is not, here, my Business to dwell upon the Grievances of the many limiting, prohibitory, and penal Laws, that were enacted during the Reign of that Princess. Be it sufficient to observe, from the Beginning to the End, that the History of *Irish Catholics* and of the House of the *Stuarts*, seems to consist of little else than Severities on the one Part, and Sufferings on the other.

Here, my Lords, we have seen Provocations without Measure, and Oppressions, whereof we can see no End, heaped successively by every Branch of the *Stuart* Family, upon this People; Provocations more than enough to keep alive their Resentments against the Memory and latest Descendents, of that hostile House, by whom they and their Descendents have suffered, and still suffer, and may continue to suffer till Time shall be no more.

Here, my Lords, I say, we have seen every possible Motive for Rejection, Disgust,
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and Hatred irreconcilable ; but no one Motive, in Nature, for Affection or Attachment, to the Holding of a Hair. But Mr. Serjeant, perhaps, may now have changed his Sentiments, with respect to the religious Principles of *Roman Catholics* ; he may tell us that they have remitted the Offences of the *Stuarts*, through a Sense of *Christian Charity*. If, indeed, they can pardon Injuries, so irreparable and so lasting, they are, questionless, the most forgiving of all Christians. And, if they, indeed, continued attached to such ancient and inveterate Enemies, what would they have been to Friends, to Princes who had treated them with Lenity and Goodness ?

But, my Lords, should we suppose, with Mr. Serjeant, that this pretended Attachment, of *Irish Catholics* to the *Stuarts*, was somewhat more than imaginary ; what then ? Had it been formed of Links of Steel, it could not have endured to the present Generation. Time ceaseth not, from Day to Day, and Hour to Hour, to expunge, to wear, and erase all Impressions and Traces of former Interests

Interests and Regards. To Day we are in Despair for the Loss of Parents, of Children, of some beloved Wife, or of Husbands dear to Matrons who were not *Ephesians*: To-morrow and to-morrow, the Violence of our Affliction begins to subside; every Week and Month brings additional Lenitives; next Year we become easy, the next Year we become chearful; and at last we find what, at first, we could not suppose possible, that the *Affections*, as well as the *Fashions* of this World, pass and vanish away.

It is now seventy Years, and several Generations have decayed and succeeded, since any *Irish Catholic* lifted a Hand in Aid or Comfort of a Descendent of the *Stuarts*: Even, during three Rebellions in *Scotland*; all was quiet among the *Irish*; no Commotion or Cry was heard in their Streets; no Voice of Disaffection, to Government, or to that Family from whom the Throne derives its present Lustre.

But, my Lords, where is this House of the *Stuarts*, to which the *Roman Catholics* of

Ireland are said to be so attached? What are their Powers, their Expectations, their Connections, their Family Alliances? Where, I say, is the Warmth and Lustre, of this same *Polar Star*, whereby our *Irish Catholics*, as Mr. Serjeant alledges, *look to steer into a Haven of final Safety?* All dark and extinct, not a single Ray remains to attract or direct an Eye to the Place of their Existence. Such Things and Persons have been; but no Part of the known World, now, yields us any Tidings or Intelligence concerning Them.

My Lords, I would humbly propose a Question which every Man, who hears me, may answer to himself. If, while the House of the *Stuarts* stood, *Irish Catholics* were invariably and inviolably attached to It; ought such Fidelity and Affection to their former hostile Masters, ought such a virtuous Propensity to make them any way obnoxious to their present benign Rulers?

A certain Duke of *Orleans* raised Commotions in the State against his Kinsman, then King of *France*; but all his Measures were
watched,

watched, and defeated, by some Persons who were inviolably attached to the Crown. Upon the Death of the Monarch, this same Duke ascended the Throne. His Courtiers thronged about him. They called out for speedy Vengeance on his late implacable Enemies. But his Majesty turning toward them, with a Smile and a Nod; hush, hush, said he, whisperingly; *They are the very best Friends I have upon Earth; for those who were faithful against me while I was Duke of Orleans, will be the faithfullest to me, now that I am King of France.* It is *Duty*, and not *Person*, to which they stand attached.

In truth, no People in these Dominions, no People in the Universe, can give surer Demonstrations, of their Obedience to Government, or Fealty to the reigning Powers, than *Irish Catholics* have given of their Amenableness to our Civil Establishment, for these seventy Years past, and of their Loyalty to the House of *Hanover*, since their first Investiture with the Crown of these Kingdoms.

It is true that the *Roman Catholics* of the Kingdom of *Ireland*, cannot comply with the Act of *Uniformity*, neither take the Oath of *Supremacy*, for these are contrary to their Conscience. But they are desirous of taking the firmest Oath, of true Faith and Allegiance to the gracious Person and Government of his Majesty *George* the Third; that is required from the Papists, of any other Nation, to any other Government throughout the Earth.

Let us no longer, then, be deceived, let us no longer deceive ourselves, *with an old Woman's Fable of the Massacres of Forty-one; with a groundless Imputation of infernal Principles, or with an idle Supposition of this People's Fondness for a Race of Princes* whom, of all created Beings, they have a Right to detest. Let us no longer, I say, deceive ourselves with such chimerical Apprehensions; as tho' the Throne of the reigning Majesty were endangered by *Irish Catholics*, or that Protestants could not live with them in good Fellowship or Security. Such Notions are as
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everfive of Truth and our own Charity, as they are injurious to those our inoffensive Countrymen and Fellow Christians.

If *Irish Catholics* have been nursed in Ignorance, or bred up to some Errors, that we have reformed; this is greatly their Misfortune, but no way the Fault of their Nature, or of their Will. Shall we then prohibit them from their Portion of Comfort upon *Earth*, because we think ourselves in a fairer Way of attaining Happiness in *Heaven*? Be it sufficient, for the Security of our King and Constitution, and for quieting the Jealousies of their Protestant Brethren, that their Religion preacheth Peace, active Obedience, and passive Submission to all Civil Establishments, under which they shall happen to live; and that their Conduct hath been proved, invariably, conformable to the said Precepts, from Generation to Generation, beyond the Memory of Man.

But, my Lords, I have heard quest i
ed, by Men of Discernment, whether many of our *Irish* Protestants have in fact the Jea-

lousies, that they pretend, of the Principles or Propensities of *Irish* Catholics. People of selfish Hearts, and narrow Understandings, are apt to conceive that any Accession, to the Fortune of a Neighbour, is a lessening and Abridgement of their own Possessions. Ignorance looks upon Lands, however waste and uncultivated, as the Wealth of a Nation; and Avarice desires to engross the said Wealth to itself, though incapable of encreasing or using the same. Hence, many *Irish* Protestants are studious to contrive, and to foment Fears and Jealousies, to the Prejudice of their Popish Brethren, in order to preclude them, for ever, from any Portion of Property or Prosperity in their common Country. They ignorantly imagine that the Possession of that desolated Island, is as a Feast where, if few Guests participate, there will be the better Cheer. But, such a national Feast, as ye well know, my Lords, requires many Hands to prepare and to serve it up; and what Sort of Fare ought we to get or expect, where we tie up the Hands and starve the Mouths of our Caterers,

This,

This, my Lords, hath been done, in Effect, by the many limiting Clauses and Exclusions, of our Popery Laws, in *Ireland*. We have, by Discouragements amounting to an absolute Prohibition, precluded, nearly, two Thirds of the Natives of that Kingdom, from contributing to the Prosperity of the remaining Inhabitants; and, by suppressing the Industry of the greater Part, we have effected the impoverishment of the whole of the Nation.

The Number of the People, my Lords, hath ever been accounted the Wealth of every Republic; because Number supplies Hands; and because those Hands supply Industry; and because Industry supplies those Products that can alone constitute the Wealth and Prosperity of Man: But if any Republic shall, preposterously, tie up the Hands, or discourage the Industry of its Constituents; the Number of Hands, that makes the Blessing and the Wealth of all other Republics, becomes the Curse and the Poverty of such an infatuated People; and the Com-
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plers and Abettors, of such perverse Laws, find their Punishment in their Participation of the general Calamity.

Let us then unmuzzle the Oxen by whom, alone, we can propose to till the Land or to tread the Grain. Let us do more than relax the Hands by whose Industry we wish to prosper; let us encourage, let us incite them to labour for us, by admitting them to a Share of the Product of their own Toils. Let us suffer this poor People to eat the Bread of the Land, and, in return they will furnish our Tables with Dainties. Let us bind them to us by their Interest. Let us take a Pledge of them by their Property. And let us turn the Wastes of *Ireland* into Scenes of Plenty and Prosperity, by making it the Advantage of *Irish Catholics* to reclaim and cultivate the same.

Lord Chief Justice.

GENTLEMEN OF THE JURY. This Tryal has been long, but that Length was unavoidable. Great Difference is to be allowed, between the Tryal of a single Man,
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and that of a whole Nation ; and still more, where the Transactions and Interests, of that Nation, are carried backward, through past Ages, and forward into Futurity. Various Histories of Times past, Presumptions of Times to come, with all Causes and natural Consequences, any way relative to such Concerns, ought to be brought into Debate and impartial Consideration.

The Gentlemen of the Bar have, with equal Ingenuity, selected and digested whatever was material to their respective Pleas, and have argued with equal Perspicuity and Eloquence.

Indeed the Council, for the Crown, has been much more concise than the Council for the Accused. But, in all Cases, it takes more Time and Terms, to answer and to solve Ænigmas and Exceptions, than to propose them.

In recapitulating what has been said, I shall, purposely drop all Matters of Invec-tive, and Figures of Oratory; I shall only
touch

touch what I conceive to be the Merits of the Cause on either Part.

Mr. Serjeant *Statute*, in his Plea against the Roman Catholics of *Ireland*, first charges, That during the Reigns of *James and Charles I.* those People enjoyed all spiritual and temporal Privileges equal with Protestants whose Religion was established by Law. And he further supports this Charge by the Testimony of Lord *Clarendon*, an Author, to this Day, in great Repute.

This was a very material Part of Mr. Serjeant's Plea; for, had the Case been so, it would have argued and aggravated the great Wickedness, as well as Folly of *Irish Catholics*, to rise against Government when they had nothing to complain of, nothing to redress.

To this Mr. *Candour*, Council for the Accused, answers, that the Fact was wholly the Reverse of what Mr. Serjeant represented; and that the spiritual and temporal Grievances of *Irish Catholics*, continued and encreased, throughout the said two Reigns.

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In Contrast to the Testimony of Lord *Clarendon*, with respect to Spirituals, he produces many public and notorious Instances, where the Act of *Uniformity* was enforced with much Rigour; where the Exercise of the Popish Rites and Ceremonies were prohibited; and where those People were enjoined under heavy Fines and Penalties, to conform to a Religion that was contrary to their Conscience; a Matter which would have been as wicked in the Practice, as it was severe in the Appointment. For he who doeth *Good*, against Conscience, doeth *guiltily*.

Again to invalidate the Testimony of the said noble Author, with respect to Temporals; Mr. *Candour* produces such a Multiplicity of unquestionable Authorities, that it is wonderful how any Historian should have overlooked them.

He shews us that, early, in the Reign of *James I.* a civil Inquisition was appointed, in *Ireland*, for examining the Titles that People had to their Estates.

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I must here observe to ye, Gentlemen, that from the Conduct and Intention, of this Inquisition, it does not appear that any Fault or legal Forfeiture, on the Part of the Proprietors, was either pretended or required, in order to the divesting them of their Estates; if they could not produce and prove some grant from the Crown, or other Equivalent Conveyance, these Estates were, then, to revert or escheat to his Majesty; on the original Title, as we may suppose, of the Grant of the Kingdom, to King *Henry*, by Pope *Adrian*. Thus, the longer these Tenures had continued in Families, the more they were in Danger of Forfeiture or Reversion, through the Likelihood that the Title Deeds had perished by Time or Accident.

This Inquisition, however, was prosecuted with equal Injustice and Application, during the whole Reign of *James*, and to the latter End of the Reign of *Charles I.* and that in so shameless a Manner, particularly by Lord *Wentworth*, as casts back Infamy on the Council, Judges, and Inquisitors, and all who were Parties to the same.

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There can be no Question, Gentlemen, of Facts equally attested, by the vast Territories found for the Crown under the said Inquisition, by the Remonstrances of Parliament on the said Grievances, by his Majesty's Promise of Redress and Relinquishment, and by his transmitting two Acts to the Commons of *Ireland* for that Purpose: And, indeed, Mr. Serjeant seems so conscious of Mr. *Candour's* having refuted this Part of his Plea, that he silently acquiesces in a Procedure to new Matter.

Mr. Serjeant had further charged that, on the 23d of *October*, 1641, a universal Conspiracy and Insurrection of the Roman Catholics broke out through all *Ireland*. That forty or fifty thousand Protestants were massacred before they had Notice or Time to avoid the Danger. And that one hundred and fifty thousand were butchered, in cold Blood, during the two first Months of this Rebellion.

In Proof of the two first Articles of this heavy Charge, Mr. Serjeant quotes the express

press Affirmation of Lord *Clarendon*: And, in Proof of the last Article, he quotes the express Affirmation of Sir *John Temple*.

On the other Hand, the Council for the Accused sets these two illustrious Witnesses at Variance with each other; and shews that Sir *John Temple*, in direct Contradiction to Lord *Clarendon*, affirms that the *Irish*, at the first, did not murder many *English*; but certainly, says he, that, which these Rebels mainly intended and busied themselves about, was the Driving away *Englishmen's* Cattle and possessing themselves of their Goods.

Having, thus far, weakened the Authority of one or both of these Historians; Mr. *Candour* continues gradually to remove the Weight of this whole Charge, by the Testimonies of a Proclamation of the Lords Justices, *Parsons* and *Borlase*, recited by Sir *John Temple* himself. By Extracts from the Journal of the House of Lords here in *England*. By a Letter from Lord *Clanricarde* to the Earl of *Bristol*. By a Letter from the said Lords Justices to the Lord Lieutenant, then

then in *England*. By another Letter from the said Lords Justices to the said Lord Lieutenant. And by a special Commission of the said Lords Justices, dated *December 23d, 1641*, precisely two Months from the Day of the Insurrection, and directed to several Magistrates, in the Province of *Ulster, &c.* to enquire into the Damages done by *Irish Catholics*. All which concurring Testimonies serve to persuade us that the Insurrection was very far from being general, either on the first Day, or in the two first Months of said Rebellion, and that not the hundredth Protestant, affirmed to have been massacred, can be supposed to have perished within that Time.

Mr. Serjeant, hereupon, appears amazed that so many Authorities could have been brought together, for the Overthrow of the Credit of his two historical Pillars, so long and so well established in the Opinions of Mankind. He cannot consent that either *Clarendon* or *Temple* should be thought guilty of false Evidence; he therefore imputes the

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Error of the *First* to some Interpolation, and the Error of the *Latter* to the Carelessness of Printers, who had inadvertently substituted the Word *Months* for *Years*.

Gentlemen of the Jury. In my present Charge, I have chosen to follow that natural Order, in which the Merits of both Pleadings arose to my own Mind, rather than the precise Order in which they were argued. I should, otherwise, have informed you, before now, that Mr. Serjeant, growing warm on some little Matter of triumphant Merri-ment in his Opponent, crys out, we may, shortly expect to be told that there never was such a Thing as the Insurrection of Forty-One. This Gentleman may even except to the Depositions taken of the many bloody Butcheries committed at that Time; Depositions that have stood the Test of all Time and Enquiry these hundred Years and upward.

To this Mr. *Candour* very coolly answers, that he does peremptorily except to those very Depositions. That all of them were
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taken by Persons, who were the prejudiced and avowed Enemies of the People whom they proposed to criminate thereby. That some of them might be presumed the Depositions of those who took them, rather than of those who signed them, who could neither write nor read, and who, consequently were ignorant of the Contents to which they put their Firm. That most of them were taken from Persons just escaped from the Enemy, and were dictated, not by Facts, but by the Fears of the Deponents; that they actually believed all to be massacred whom they left behind, a natural Effect of their Pannic, while each Deponent arrived terrified, like the Messengers to *Job*, and cried, *I only am left to tell the Tale*. Lastly, Mr. *Candour* closes his Apology, on this Head, with a Recital of the Absurdities contained in some of the said Depositions, and pleasantly hints at the Difficulty of numbering the Ghosts, at *Portadown* Bridge, and of being duly ascertained of their religious Principles.

Mr. Serjeant, somewhat piqued at this Kind of Raillery demands, of his Opponent,

This Divorce of *temporal Dominion* from *Spiritual Authority* has again, restored *Rome* to her primitive Charity. Wars, Feuds, and Insurrections are no longer her Interest, and she is become a sincere Preacher of Peace upon Earth. Indeed her absolving of *Subjects*, from their Allegiance to *Sovereigns*, was never any Part of the Dictates of her Religion, They were, soley, the Dictates of her Ambition and worldly Policy; and, as her Policy has long ceased to dictate such Matters, we cannot possibly have any thing to fear from her Religion. She is, now no longer a *State*, she is no more than the *Church of Rome*; and she is, literally, able to say, with her MASTER, *my Kingdom is not of this World*.

The Deposing and King-killing Doctrine, my Lords, as I have already intimated, might once have been the Doctrine of the *State* or *Court of Rome*. But, I shall now demonstrate, that It never was the Doctrine or Principle of her *Church*.

Long before the Reformation, some such Doctrines were, occasionally, imputed to
Rome;

Rome; and This, we will suppose, could not have been done without some Colour. But, long before the Reformation, also, her Church exculpated itself from such abominable Imputations. We all know, my Lords, that the freest Thinkers of her Communion, however they may make light of the Opinions of their Doctors, or of the Ordinances of the Pope himself, they however, without Exception, confide in the Infallibility of a general Council; They believe all its Decisions to be sacred and indisputable, and hold themselves obliged to conform thereto.

Wherefore, My Lords, if I can prove to Ye, from the Authority of a general Council held at *Constance* in the Year 1415. From the Declaration of all the Academies of *France* in the Year 1626. From the Declaration of the Provincial Congregation of the Jesuits held at *Ghent* in the Year 1681. From the Declaration of the *French* Clergy in their general Assembly held in the Year 1682. From the avowed Tenets published by their most eminent Doctors. And from the Doctrines universally

versally and daily inculcated, by Manuals and Books of Devotion approved by their Church, and printed for the Use of their Families, and the Instruction of their Children, and the Children of their Children, without End. If I can thus prove I say, my Lords, from the invariable Doctrines of the Church of *Rome*, whether taken universally, partially, or individually, that her Principles are wholly the Reverse of Those with which Mr. Serjeant is pleased to charge her; I shall desire to know what Footing, or Foundation, the Universe can afford, upon which his said Charge may be permitted to rest?

Ye have, already, heard the Principles imputed by Mr. Serjeant to the Church of *Rome*. Be pleased, now, to hear the Church of *Rome*, in her Turn; and judge whether it is from Mr. Serjeant, or herself, that ye are to learn her own Opinions; or, how far ye ought to allow an Imputation of Doctrines, which all must teach for themselves, and which no one can teach for another.

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Her Councils, Synods, Assemblies, Academies, Doctors, and the Individuals both of her Clergy and Laity affirm, as is evident by the Testimonies here in my Hand; That *the Pope hath no Authority over the temporal Power or Jurisdiction of Princes. That, neither a Papal Consistory nor even a general Council can absolve Subjects from their Allegiance. That it is impious and damnable in any Man to attempt to depose his Sovereign on account of his being a Heretic or excommunicated for Heresy. That, should the Pope undertake to absolve any People from their Allegiance to their Prince, such Absolution or Dispensation would, in itself, be null and void. That all Catholic Subjects, notwithstanding such Dispensation, are bound in Conscience to defend their King and Country, at the Hazard of their Lives and Fortunes, even against the Pope himself. That the King-killing Doctrine, or Privilege for murdering Princes excommunicated for Heresy, is damnable and heretical, and contrary to the known Laws of God and Nature. That no Power upon Earth can licence any wicked or immoral Action, neither dispense with Lying, Perjury, the Massacre of our Neighbours,*

bours, or the Damage of our native Country, under Pretence of promoting Religion or the Catholic Cause. That all Pardons and Dispensations granted, or pretended to be granted, in order to any such Ends or Designs, can be attended with no other Advantage or Consequence than that of adding Sacrilege and Blasphemy to the Crimes proposed to be licenced. And, that the Doctrine of Equivocation, or mental Reservation, is detestable in its Principles, is wholly contrary to Christian Simplicity and Sincerity, and in its Consequences, is everfive of Truth, Justice, and common Society.

Now, my Lords, as these are the Principles and Doctrines that have been invariably avowed, professed, and taught, by the Church of *Rome*, and all her Members, during some Centuries last past; I want to know who it is that has a Right to set up another System in her Name? I want to know what possible Exception, or Doubt, can remain in the Minds of People, respecting this Matter?

There is my Lords, there is one possible Doubt still left. Captious People may question
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tion whether Roman-Catholics are sincere in their Profession of these Principles; and the only remaining Test of that Sincerity, will be to enquire whether their Practices have been conformable to such Professions?

Alas, my Friends! Heaven forbid that ever Protestants should be tried by the same Test.

But, with respect to this same Deposing and King-killing Doctrine. Was the sovereign Prince of *Geneva* deposed and expelled by Papists? no, my Lords, neither *Calvin* nor his Followers, as I take it, were Papists. Was *Sigismund* deposed from *Sweden*; or *Philip* from the *Netherlands*; or *Mary* from the Throne of *Scotland* by Papists? Was the said *Mary*, or her Descendant, *Charles Stuart*, put to Death by Papists? No. All this was done by the Members of the Reformation. But, shall all the Practices of the Reformed be ascribed to the Principles of the Religion that they profess? God forbid.

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On the other Hand; if we put the Sincerity of Roman-Catholics to this Test, by comparing their *Professions* to their general and known *Practice*, regarding Civil-Government; we shall find that they match like a Pair of Indentures, and that the one has been perfectly conformable to the other. Even, in those Countries where a different Religion is established by Law, as in *Sweden, Brandenburg, Hanover, Upper Saxony, Holland, &c.* In every Climate, I say, and under every Constitution, we still find them distinguished for their Amenableness to Authority, and for their Attachment, Fidelity, and Affection to their Rulers.

And now, my Lords, if the good Principles of these People, with respect to Civil-Government, have been professed and asserted, by themselves and their Church, during many Generations. If these *good Principles* have been, further, attested and approved by their *Practice*, in all Countries, and under all Constitutions; I request to be informed of
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any possible Doubt in a Case where every possible Proof is exhibited.

Lord Chief Justice.

Mr. Serjeant *Statute*, Have you any Thing in Reply to what has been argued on the other Side?

Serjeant Statute.

If your Lordships, and you, Gentlemen of the Jury, shall think a People deserving of public Confidence who, notwithstanding what has been argued, in excuse of other Principles, are professedly Idolaters, Worshipers of Gods of Paste, of Relicks, and Image-Trumpery, with Legions of Saints and Saintrels, and so forth; I shall proceed to fresh Matter.

Counsellor Candour.

It is, my Lords, an uncontroverted Maxim, in Politics, that States have no Jurisdiction over Matters of Opinion that do not interfere with the Weal of the State. Thus, if two Men quarrel, and one of them assaults and maims the other, on a Dispute about the Derivation of a *Greek* Word, or concerning

the Entablature of the Pillars of the *Jewish* Tabernacle, the State should certainly take Cognizance of the offending Party, without regard to the Propriety or Impropriety of his Opinion, with which the Public has no Manner of Concern.

The only Use of Religion to Civil Government is, by making good Men, to make good Subjects. And, in a State or Community, all Religions are tolerable whose Opinions are not chargeable with *political Immorality*, or, that do not make *bad Subjects* by making *bad Men*.

Now, if the Gentleman can shew that these erroneous Opinions, which, by the Bye, are denied by the Church of *Rome*, are chargeable, as I say, with political Immorality; if he can shew that They are productive of Treasons, Murders, Robberies, Seditions, or the Like, he will touch upon Something that may tend to his Purpose.

Serjeant Statute.

I always thought, my Lords, that Immorality consisted in the Deviation from Truth.

Counsellor

Counsellor Candour.

No, my Lords, there are many Millions of Truths, in Mechanics, Mathematics, in Physics, and even in Ethics, the Negation of which cannot possibly be charged with any evil Tendency or Effect. *Moral Evil* consists in *Malevolence* alone; and those Sentiments or Opinions, that tend thereto, or are Consequences thereof, are Criminals and Aggressors against Society.

But, my Lords, speculative Errors or Ignorance may, in certain Cases, be more than politically innocent, they may be politically useful. Auricular Confessions, Purgatories, Fasts, and Penances, are to the Members of the Church of *Rome*, what Discipline is in the military Department, they preserve Roman Catholics in the familiar Use and Practice of daily Obedience; and this Habit of Respect and Submission to ecclesiastical Discipline is, not unnaturally, attended with Respect and Submission to the secular Powers. Thus, the Obedience of these People to the Authority of their Church is an Earnest of

Counsellor Candour.

You will not find any Need, Sir, You will not find any Need. There is much of Gallantry, as also of Confidence, in your Challenge, Mr. Serjeant. But, how long that Confidence will uphold you is a Matter of some Doubt. For I trust, Sir, for the Time to come, to save you the Trouble of ever repeating your said Charge, either here or elsewhere.

It might, my Lords, be an Experiment curious enough to enquire how far Mr. Serjeant's Charge, supposing the same to be true, could affect the Morals and Conduct of Roman Catholics in general; how far, I say, those Tenets, so damnable in themselves, so everfive of Christianity, and so shocking to human Nature, could influence this People, supposing them to be the Tenets of the Church of *Rome*.

I have formerly taken Notice that Virtue, and Vice, are Qualities no Way peculiar to any Nation or Sect. That neither Precept, Education, nor Religion, itself; no Doctrines,
nor

nor Preachments, however zealously inculcated, have yet proved available for converting People, wholly, to *Benevolence* or *Malevolence*, to *Good* or to *Evil*.

We see Turks, who are unblest by true Religion or Liberty; who are the Slaves of Slaves; without a Form of civil Government, temporally subjected to the Will of a Tyrant, and spiritually to the Worship of a sensual Impostor; We see, I say, however, that they live in Charity, and kindly Neighbourhood, with all other Sects and religious Denominations. Even the wild Indians, who never listened to the Toll of a Bell, nor ever were called into any Court of civil Judicature; These want not their Attachments, their Friendships, their Family Feelings, nor the sweet Compunctions and Emotions of the HUMAN HEART DIVINE.

The Truth is that People live, incomparably, more by Impulse and Inclination, than by Reason and Precept. Reason and Precept are not, always, instant or at Hand; but Inclination is more than at Hand, it is within
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and, from the Citadel, rules the Outworks of Man at Pleasure.

When the Apostle, speaking of CHRIST, affirms that *there is no other NAME under Heaven, whereby a Man may be saved*: And again, When he affirms that *Those, who have not received the Law, are a Law unto Themselves*; He intends one and the same Thing; He intends that CHRIST, from the Fall of Man, is a PRINCIPLE of REDEMPTION in the Bosoms of all Living. That he is not an *outward* but an *inward Redeemer*, working out our Salvation *by the Change of our depraved Nature*. That in and from Him, and Him only, arise all the Sentiments and Sensibilities, that warm the Heart with Love, that expand it with Honour, that wring it with Compunction, or that heave it with the Story of distant Distress; and that He, alone, can be qualified to be Judge, at the last Day, who, from the first Day to the Last, was internally, a Co-operator and Witness of all that ever passed within the Bosoms of Men.

Hence

Hence it is that, although the Christian Countries have received the *two Tables*, of the Laws of CHRIST, his *external* as well as *internal Revelation*; (Each witnessing to the Other, that the GOD of our *Gospel* is the GOD of our *Nature*) the Nations, however, who are Strangers to his Name, yet acknowledge his Influence; they do not, indeed *bear*, but they *feel* the Precepts of that LIGHT *which lighteth every Man who cometh into the World*.

Many Infidel-Reasoners and Infidel-Writers, wholly mistaking this Matter, give large Encomiums to the native Morals, of *Indian Nations* and others, in Preference to Nations illuminated by the Gospel; not knowing, at the same Time, that they actually compare and reproach CHRIST with HIMSELF. But Mr. Serjeant goes a Step further; he reproches a Church of CHRIST with Tenets which ANTICHRIST, alone, could adopt; an Enemy equally adverse to Nature and Revelation.

Supposing,

Supposing, then, that *Rome* was this very *Antichrist*, let us inquire how far her Influence prevailed, in perverting the Morals and native Goodness of her Members.

There were, My Lords, *three capital Periods*, during which, the Court, and the Church, and the Constituents of the Church of *Rome*, were, if ever, under very extraordinary Temptations to put the said abominable Tenets into Execution, to wit, during the *Reign of Elizabeth*, during the *Wars of Forty-one*, and during the *Wars of Eighty-eight*.

The temporal Powers of *Rome* had been greatly broken in upon, Her ecclesiastical Jurisdiction had been, also, much abridged, and, at those Periods, was threatened with utter Extirpation in these Kingdoms. Ambition, therefore, the Lust of Rule, and of temporal Wealth and Prosperity, urged her to violent Measures for the Reparation of those Damages which she conceived to have been injurious; and her Religion, itself, might seem to plead to Her, for the Exertion of her secular Forces in its Defence.

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It is evident then, my Lords, that, if *Rome* ever offered Dispensations and Indulgencies for Crimes to come, If ever she preached up Conspiracies, Insurrections, Rebellions, Murders, Massacres, the Extirpation of Schisms, and the Excision of Heretics, as Matters meritorious with CHRIST and with GOD; she would have dictated and preached them up, at those three several Periods, she would have inculcated and enforced them on every Member of her Communion.

But, if she did preach them up, pray what was the Consequence? we have seen the Consequence, my Lords; we have seen that, in such a Case, the Catholic Priesthood as well as Laity, of *England* and *Ireland*, were, almost universally greater Rebels to the State and Church of *Rome*, than to the Protestant or Puritan Government of these Kingdoms; and that they chose to be the Servants of that Word, which CHRIST revealed to their Ears, and impressed upon their Hearts, rather than Servants of Tenets everfive of all Morals, and abhorrent to human Nature.

Should a Foreigner of some distant Nation, or distant World, be told of the Principles of the Religion established in *England*; should he be told that It is no Other than the *Law of eternal Love*, beaming forth and expanding into Actions and Sentiments of unbounded Benevolence. That it teacheth its Votaries to return Good for Evil, and Affection for Hatred; to look down upon Earth and All that is transient as Matters beneath the Attention of their immortal Spirits; to reject Riches, Honours, Pleasures and temporary Emoluments; as Toys fitted, only, for such of the Children of Men who are ignorant of their own Natures, and of the Advantages that are infinitely suited thereto; to say to this whole World, thy Goods are nothing unto me; to embrace Affliction; to smile under Calamity; and to regard Time, Pain, and Death itself, merely as Porters of that Gate which opens on a glorious and blissful Eternity. Should such a Foreigner, I say, be thus apprized of the Principles of our *English* Protestants, before he was acquainted with the Professors thereof; could he form a
higher

higher Idea of the Rectitude of any Creatures, though he were to be introduced to the Society of the Seraphim?

But, should this Foreigner, afterward, come to compare Action with Sentiment and Doctrine with Deeds; he might possibly conceive that We deemed it quite sufficient to be pious, by Principle; but that we dropped the Practice, thereof, on the high Road of Life to be picked up, by any who might deign to stoop for the same.

We see then, my Lords, that the good Principles, of a Church, are not necessarily attended by conformable Practices, and, consequently, that the evil Principles, of a Church, are not necessarily productive of the evil Practices of its Members.

Mr. Serjeant, my Lords, hath told us that one *John Gotter*, in a certain Book, entitled *a Papist misrepresented and represented*, has specified and acknowledged his late Charge of abominable Tenets, as Tenets generally ascribed to the Church of *Rome*.

No, my Lords, this is not the Fact. Doctor *Gotter* specifies the said abominable Tenets, as Matters of mere Calumny; as Falshoods invented, by some designing Enemies of the Roman Catholics, with a View to bring the Hatred and Persecution of the World upon them. And he appeals to the Church of *Rome*, and to every Member thereof, for their utter Rejection and Abhorrence of such Doctrines.

We all know how difficult it is for any Society or Individuals of Society, to defend themselves from the Malice of those who hate or have Cause of Quarrel with them. Even CHRIST was said to have been confederated with Devils, while he was busied in conquering the Kingdom of *Satan*.

But, my Lords, as the World, for some Ages, hath been pestered and disturbed with Affirmations and Negations, with much Quarrel and Controversy, on this Head; and as such a Deal of Smoak can, hardly, be supposed, without some Matter of Fire or Embers at Bottom; I will with the good Patience of
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the Court, and of Mr. Serjeant, give the natural and veritable History of this Business.

I am sensible that in the ensuing Account, I shall inevitably offend this People, whose Cause I am pleading, by speaking lightly and disparagingly of some Persons and Things, which they think it their Duty and which it is, therefore, their Virtue to revere. But, I shall proceed in the Course and Investigation of Truth, or of that which I conceive to be the Truth, without Byass or Regard to their Favour or Displeasure.

My Lords, and Gentlemen of the Jury, it is notorious, thro' all History, that, whenever *Religion* hath been impressed into the Service of *Interest*, It hath been taught to speak the Language and avow the Opinions that Interest shall, occasionally, please to dictate.

From the 9th to the 16th Century, *Rome* had usurped and stretched a Sceptre of temporal Jurisdiction over the West. That Sceptre is now broken, that Jurisdiction is no more. Our present Matter of Enquiry is, how this should come to pass.

During the first nine hundred Years of the Christian Dispensation, the Church was the Object, not the Author of Persecution. Inquisitions were, then, wholly of Pagan Institution; and the Christian Sufferers addressed many an Apology, to the Heathen World, wherein they truly set forth that the Principles and Practice enjoined, by their divine Legislator, were incapable of Offence toward any Government upon Earth. That his Religion, being that of Love, Peace, and Forbearance, could not possibly be at Variance with any System of temporal Policy; and that the Obedience, enjoined by CHRIST to the *Civil Magistrate*, was answerable to every Purpose of Civil Subjection.

But, when temporal Dominion was wedded, by the Roman Pontiff, to spiritual Authority, his spiritual Authority was speedily instructed in the Language and Sentiments of temporal Dominion. And *Rome*, now, refused that Toleration to Others which, with all the Force of Reason and Eloquence, she had formerly claimed for herself.

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As she had founded her new Pile of earthly Domination upon the Broad Bottom of her Ecclesiastical Influence, she grew excessively fond of making Profelytes to her Faith, since she now looked upon Them as Profelytes to her Power; and she became outrageous on the smallest Defection from her Church, as she held it to be a Weakening and Diminution of her State. Her spiritual Prelates were, now, become temporal Princes; they rather constituted the *Court*, than the *Church of Rome*. It is not, then, to be wondered that, in their temporal Capacities, they preferred Earth to Heaven, and imposed some Opinions, as Matters of Religion, that were dictated, merely, by Ambition and civil Policy.

By such Means did *Rome* arise to her *ne plus ultra* of all worldly Glory. She assumed a perpetual and universal Dictatorship. Whom she would she pulled down, and Whom she would she enthroned; Princes kissed her Feet, Emperors held her Stirrup;

and she made Presents of Diadems to the Children of Obedience, as Garlands, or such like Favours, to be worn for her Sake.

While the World thus laboured beneath the double Yoke of the temporal and spiritual Tyranny of *Rome*, a few Ecclesiastics of her own Communion, had the Boldness to remonstrate against the Innovations that, from Time to Time, had been imposed by the *State*, upon the *Church*; They, accordingly proposed a general Reform, and strenuously urged for a Reduction of Christianity to its first Principles.

Thus did these Ecclesiastics put the World in Mind that it was Time for them to think and judge for themselves. People listened, with Avidity, to the Detection of such Errors as were alledged to have been adopted under the Papal Dispensation. Several Princes, also, who wished to be freed from the Shackles of his Holiness, gladly laid hold of this favourable Disposition in their Subjects. And, when the *State* of *Rome* refused to make any Reform in the *Church*, these Princes cast aside
all

all future Allegiance to her *Church* and her *State*; and the Nations claimed a Right, in *Temporals*, and even in *Spirituals*, to judge and act for themselves.

Then were heard the Papal Thunders, far and near, *Europe* trembled thereat. But, when People perceived that None was blasted thereby, their Terrors gradually subsided; and now the Bulls of *Rome* may bellow, as harmless and unregarded, as the bleating of so many Sheep at *Banstead*.

From that Time forward, the Power of the Roman Court began to decline apace. Though the Pontiff had long claimed the Investiture of all Authority, in Earth as well as Heaven, yet He did not equally pretend to a divine Delegation for Both. Even those Potentates, who continued to acknowledge his spiritual Supremacy, scrupled not to resume his temporal Usurpations. His wide World is now shrunk to a little Demesne in *Italy*, and his Power is disclaimed by the few remaining Signories who do him Homage with their Lips.

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This Divorce of *temporal Dominion* from *Spiritual Authority* has again, restored *Rome* to her primitive Charity. Wars, Feuds, and Insurrections are no longer her Interest, and she is become a sincere Preacher of Peace upon Earth. Indeed her absolving of *Subjects*, from their Allegiance to *Sovereigns*, was never any Part of the Dictates of her Religion, They were, soley, the Dictates of her Ambition and worldly Policy; and, as her Policy has long ceased to dictate such Matters, we cannot possibly have any thing to fear from her Religion. She is, now no longer a *State*, she is no more than the *Church of Rome*; and she is, literally, able to say, with her MASTER, *my Kingdom is not of this World*.

The Deposing and King-killing Doctrine, my Lords, as I have already intimated, might once have been the Doctrine of the *State* or *Court of Rome*. But, I shall now demonstrate, that It never was the Doctrine or Principle of her *Church*.

Long before the Reformation, some such Doctrines were, occasionally, imputed to
Rome;

Rome; and This, we will suppose, could not have been done without some Colour. But, long before the Reformation, also, her Church exculpated itself from such abominable Imputations. We all know, my Lords, that the freest Thinkers of her Communion, however they may make light of the Opinions of their Doctors, or of the Ordinances of the Pope himself, they however, without Exception, confide in the Infallibility of a general Council; They believe all its Decisions to be sacred and indisputable, and hold themselves obliged to conform thereto.

Wherefore, My Lords, if I can prove to Ye, from the Authority of a general Council held at *Constance* in the Year 1415. From the Declaration of all the Academies of *France* in the Year 1626. From the Declaration of the Provincial Congregation of the Jesuits held at *Ghent* in the Year 1681. From the Declaration of the *French* Clergy in their general Assembly held in the Year 1682. From the avowed Tenets published by their most eminent Doctors. And from the Doctrines universally

versally and daily inculcated, by Manuals and Books of Devotion approved by their Church, and printed for the Use of their Families, and the Instruction of their Children, and the Children of their Children, without End. If I can thus prove I say, my Lords, from the invariable Doctrines of the Church of *Rome*, whether taken universally, partially, or individually, that her Principles are wholly the Reverse of Those with which Mr. Serjeant is pleased to charge her; I shall desire to know what Footing, or Foundation, the Universe can afford, upon which his said Charge may be permitted to rest?

Ye have, already, heard the Principles imputed by Mr. Serjeant to the Church of *Rome*. Be pleased, now, to hear the Church of *Rome*, in her Turn; and judge whether it is from Mr. Serjeant, or herself, that ye are to learn her own Opinions; or, how far ye ought to allow an Imputation of Doctrines, which all must teach for themselves, and which no one can teach for another.

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Her Councils, Synods, Assemblies, Academies, Doctors, and the Individuals both of her Clergy and Laity affirm, as is evident by the Testimonies here in my Hand; That *the Pope hath no Authority over the temporal Power or Jurisdiction of Princes. That, neither a Papal Consistory nor even a general Council can absolve Subjects from their Allegiance. That it is impious and damnable in any Man to attempt to depose his Sovereign on account of his being a Heretic or excommunicated for Heresy. That, should the Pope undertake to absolve any People from their Allegiance to their Prince, such Absolution or Dispensation would, in itself, be null and void. That all Catholic Subjects, notwithstanding such Dispensation, are bound in Conscience to defend their King and Country, at the Hazard of their Lives and Fortunes, even against the Pope himself. That the King-killing Doctrine, or Privilege for murdering Princes excommunicated for Heresy, is damnable and heretical, and contrary to the known Laws of God and Nature. That no Power upon Earth can licence any wicked or immoral Action, neither dispense with Lying, Perjury, the Massacre of our Neighbours,*

bours, or the Damage of our native Country, under Pretence of promoting Religion or the Catholic Cause. That all Pardons and Dispensations granted, or pretended to be granted, in order to any such Ends or Designs, can be attended with no other Advantage or Consequence than that of adding Sacrilege and Blasphemy to the Crimes proposed to be licenced. And, that the Doctrine of Equivocation, or mental Reservation, is detestable in its Principles, is wholly contrary to Christian Simplicity and Sincerity, and in its Consequences, is everfive of Truth, Justice, and common Society.

Now, my Lords, as these are the Principles and Doctrines that have been invariably avowed, professed, and taught, by the Church of *Rome*, and all her Members, during some Centuries last past; I want to know who it is that has a Right to set up another System in her Name? I want to know what possible Exception, or Doubt, can remain in the Minds of People, respecting this Matter?

There is my Lords, there is one possible Doubt still left. Captious People may ques-
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tion whether Roman-Catholics are sincere in their Profession of these Principles ; and the only remaining Test of that Sincerity, will be to enquire whether their Practices have been conformable to such Professions ?

Alas, my Friends ! Heaven forbid that ever Protestants should be tried by the same Test.

But, with respect to this same Deposing and King-killing Doctrine. Was the sovereign Prince of *Geneva* deposed and expelled by Papists ? no, my Lords, neither *Calvin* nor his Followers, as I take it, were Papists. Was *Sigismund* deposed from *Sweden* ; or *Philip* from the *Netherlands* ; or *Mary* from the Throne of *Scotland* by Papists ? Was the said *Mary*, or her Descendant, *Charles Stuart*, put to Death by Papists ? No. All this was done by the Members of the Reformation. But, shall all the Practices of the Reformed be ascribed to the Principles of the Religion that they profess ? God forbid.

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On the other Hand; if we put the Sincerity of Roman-Catholics to this Test, by comparing their *Professions* to their general and known *Practice*, regarding Civil-Government; we shall find that they match like a Pair of Indentures, and that the one has been perfectly conformable to the other. Even, in those Countries where a different Religion is established by Law, as in *Sweden, Brandenburg, Hanover, Upper Saxony, Holland, &c.* In every Climate, I say, and under every Constitution, we still find them distinguished for their Amenableness to Authority, and for their Attachment, Fidelity, and Affection to their Rulers.

And now, my Lords, if the good Principles of these People, with respect to Civil-Government, have been professed and asserted, by themselves and their Church, during many Generations. If these *good Principles* have been, further, attested and approved by their *Practice*, in all Countries, and under all Constitutions; I request to be informed of
any

any possible Doubt in a Case where every possible Proof is exhibited.

Lord Chief Justice.

Mr. Serjeant *Statute*, Have you any Thing in Reply to what has been argued on the other Side?

Serjeant Statute.

If your Lordships, and you, Gentlemen of the Jury, shall think a People deserving of public Confidence who, notwithstanding what has been argued, in excuse of other Principles, are professedly Idolaters, Worshipers of Gods of Paste, of Relicks, and Image-Trumpery, with Legions of Saints and Saintrels, and so forth; I shall proceed to fresh Matter.

Counsellor Candour.

It is, my Lords, an uncontroverted Maxim, in Politics, that States have no Jurisdiction over Matters of Opinion that do not interfere with the Weal of the State. Thus, if two Men quarrel, and one of them assaults and maims the other, on a Dispute about the Derivation of a *Greek* Word, or concerning

the Entablature of the Pillars of the *Jewish* Tabernacle, the State should certainly take Cognizance of the offending Party, without regard to the Propriety or Impropriety of his Opinion, with which the Public has no Manner of Concern.

The only Use of Religion to Civil Government is, by making good Men, to make good Subjects. And, in a State or Community, all Religions are tolerable whose Opinions are not chargeable with *political Immorality*, or, that do not make *bad Subjects* by making *bad Men*.

Now, if the Gentleman can shew that these erroneous Opinions, which, by the Bye, are denied by the Church of *Rome*, are chargeable, as I say, with political Immorality; if he can shew that They are productive of Treasons, Murders, Robberies, Seditions, or the Like, he will touch upon Something that may tend to his Purpose.

Serjeant Statute.

I always thought, my Lords, that Immorality consisted in the Deviation from Truth.

Counsellor

Counsellor Candour.

No, my Lords, there are many Millions of Truths, in Mechanics, Mathematics, in Physics, and even in Ethics, the Negation of which cannot possibly be charged with any evil Tendency or Effect. *Moral Evil* consists in *Malevolence* alone; and those Sentiments or Opinions, that tend thereto, or are Consequences thereof, are Criminals and Aggressors against Society.

But, my Lords, speculative Errors or Ignorance may, in certain Cases, be more than politically innocent, they may be politically useful. Auricular Confessions, Purgatories, Fasts, and Penances, are to the Members of the Church of *Rome*, what Discipline is in the military Department, they preserve Roman Catholics in the familiar Use and Practice of daily Obedience; and this Habit of Respect and Submission to ecclesiastical Discipline is, not unnaturally, attended with Respect and Submission to the secular Powers. Thus, the Obedience of these People to the Authority of their Church is an Earnest of

their Obedience to the Authority of all States, whether Heathen or Christian, under which they live. We cannot, indeed, boast of their being Sticklers for popular Rights, or Champions for Liberty; but we can truly affirm that they are the most loyal and amenable of all Subjects, under the Sun.

Lord Chief Justice.

Gentlemen of the Jury,—with your Leave, and that of the Gentlemen of the Bar, I will now proceed to my Charge, in the simplest and succinctest Manner I can.

Serjeant Statute.

I must, yet, entreat your Patience, my good Lord Chief Justice.

Although all other Catholics, throughout the Universe, were to be accounted loyal, peaceful, and amenable to Government, as well upon Principles of Religion as of civil Policy; yet the Catholics of *Ireland*, can never prove loyal to the royal House of *Hanover*, or to any other princely Succession, so long

long as an Individual of the unfortunate and infatuated House of the *Stuarts* shall remain.

Mr. *Candour*, himself, has been exceeding honest and ample on this Head. He has shewn us that *Irish-Catholics*, notwithstanding their temporal and spiritual Grievances under *James* and *Charles* I. and notwithstanding their Rejection of a Puritannical or Republican Government, still continued inviolably attached to the Persons of the said Kings; as they did, also, to the Persons of *Charles* and *James* II. and to the last Regent of that inauspicious Line.

It should seem indeed, by the History of their Behaviour under the whole Race of the *Stuarts*, that these People are of a Species, like Spaniels, whose Obedience and Fondness encreases in Proportion to the Lashes that are inflicted by their tyrannical Masters. Their Loyalty appears to partake of the Propensity of the Bull-Dog, who will not quit his Hold, though rent Limb from Limb.

What Prospect, then, what Expectation can we reasonably form, that *Irish-Catholics*

will be induced to bear any cordial Fealty to our present illustrious House, while a Twig of their anciently beloved Stem shall subsist? We may as well hope to sever Attraction from Matter, as to tear, from the Breasts of this People, their Inclination and Attachment to the *Stuart Line*. Thither their Looks, their Desires, and Expectations will tend, to the Last; as some benighted Mariner looks to the Polar Star, whereby he hopes to steer to a Haven of final Safety,

Counsellor Candour.

I now begin, my Lords, to perceive the great Advantage of Oratory; and almost to think it a Match, in Controversy, against Truth and a good Cause.

Mr. Serjeant, undoubtedly, conscious that he could assign no rational Motive for the Attachment of *Irish-Catholics*, to that ancient House of the *Stuarts*, artfully describes this chimerical Attachment, as irrational; and, thereby, avoids the Necessity of assigning any Motive or Cause for the Same.

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I, however, acknowledge that he plentifully supplies all Deficiency of Reason with positive Affirmations, that the Fact is so. He, himself, appears so fully persuaded thereof; and he has rendered his Affirmations so feasible and pleasing, by a Number of illustrating and agreeable Images, that we are almost compelled, against our better Knowledge, to fall in with his Opinion.

Mr. Serjeant, among other Things, takes Notice that *Irish-Catholics* rejected a puritanical or republican Government. But is it to be wondered that a People should do so, who, through a Succession of above ten Centuries, had been invariably attached to Monarchy and Episcopacy?

He tells us of the Weight, of the many temporal and spiritual Grievances, under which this People laboured, during the several successive Regencies of the *Stuart* Family. If he finds any consequent Groanings, Repugnancies, and Remonstrancies; he yet finds, on the Part of *Irish Catholics*, no Intention of any direct Opposition or Rebelli-

on against the Persons established, by Law, on the Throne. This he admires, he is amazed at it, he knows not how to account for it. *Passive Obedience* and *Non-Resistance* came into his Head; and he compares this People to Spaniels whose Fondness is encreased by the Lashes and Inflictions of their inhuman Masters.

If it were any way pertinent to the Cause I have in Hand, to justify the Amenableness of *Irish Catholics*, at such Seasons, I would ask Mr. Serjeant, what ought they to have done? Had they actually rose in Rebellion, had they dethroned one or more of the said oppressive Princes, whom had they to substitute in the Place of the Deposed?

It is true that they continued obedient to *James I.* to *Charles I.* to *Charles II.* and to *James II.* as they, afterward, did to *William III.* to *Queen Anne*, and, with much better Reason, to *George I.* and the *II.* whom they acknowledge of humane and illustrious Memory. But, my Lords, does their Submission to the said *Stuarts*, by whose Tyranny they

they were galled, imply that they had no Feeling nor Resentment of their Wrongs? Is it further to be inferred that they became the more attached by the Greatness of their Losses, and the more enamoured of this House by the Severity of their Sufferings?

I will shew Ye, my Lords, that this was unnatural, impossible. I will shew Ye that this inauspicious Race, were inauspicious, above all others, to the Catholics of *Ireland*. That their Hardships commenced under the *First* of the *Stuarts*. That their Sufferings encreased under the *Second*, *Third*, and *Fourth*. And that their Ruin was compleated by the *Fifth* and last of that Name. And that it is not possible for this People to remember their Undoing, without remembering the Hostility of those who brought it about.

On the Accession of *James I.* to the Throne of *England*, *Irish* Catholics, as I once before observed, were seized of most of the Lands in that Kingdom. This first *Stuart* was, then, the first Invader of these their Properties, and, under the Finesse of Law, deprived them

them of more Lands than all the *English* Adventurers had been able to lay hold of, by War and strong Hand, during ten preceding Regencies.

Charles I. shewed his Approbation of the Measures of his honest Ancestor, by vigorously running the same Course. *Ireland* saw no End of Inquisitions and Seizures. Many private and Parliamentary Remonstrances were made, against these warranted Plunders and legal Iniquities. The King, teized or, possibly, shamed into a Stop of such Abuses, had promised the Proprietors Redress and Restoration. His Deputy *Strafford*, however, secretly dissuaded him from such rash and indiscreet Retributions; and promised to take the whole Blame of the Knavery upon himself. The King, as secretly, thanked him for this seasonable Saving of his escheated Lands and Honour; and though, afterwards, in the Time of his own Distress, his Majesty professed his Repentance of those Injuries to others, and accordingly transmitted his Acts, of Limitation and Relinquishment, by the Committee

mittee of the *Irish* Parliament; yet the Government found Means to defeat the said Acts; and the King's said Graces *became null and void*, and his said Usurpations *remained in full Force and Virtue of Law*.

During the Authority of the Parliamentary Government, as also during the Regency of *Cromwel*, many further Seizures were made of the Estates of *Irish-Catholics*, as well under Colour of the Defection of *Forty-one*, as on Account of the Services which the *Irish* had rendered, in *Scotland*, to King *Charles I.* and to King *Charles II.* against the *English* Parliament, and more particularly against the *Scotch* Rebels, whom they defeated in a Number of desperate Engagements. The *Irish*, however, fondly assured themselves of the Restoration of these their Estates on the Restoration of the Throne to that Family, in whose Behalf they had lost their Blood and their Fortunes. But, how cruelly were their Hopes defeated! This second of the Name of *Charles*, and Third of the *Stuart* Line, no way degenerating from the Severity of his two Ancestors toward *Irish* Catholics,

and,

desirous of conciliating his formidable Enemies, at the Expence and by the Sacrifice of his invariable Friends, transferred, and confirmed, into hostile Hands, the Properties and Estates that had been holden by his Defenders; he received to his Bosom the Partizans of the late Usurper; he ensured to the *London Merchants* more than a threefold Equivalent of Lands in *Ireland* for the Money which they had advanced to carry on the War against his Father *Charles I.* and he consented to a special Exception of *Irish Catholics* from the general Act of Indemnity which passed in Favour of all others, respecting the late Times of mutual Turbulence and Offence.

Serjeant Statute.

My Lords, if I do not forget, *Charles II.* made a special Reservation in favour of a Number of the *Irish Gentry*, who had accompanied him, during his Exile, or had been, otherwise, personally attached to himself and his Father, and expressly provided that an Equivalent should be given Them, in

in lieu of those Estates which they had forfeited in Consequence of their adhering to the Crown.

Counsellor Candour.

Such a nominal Provision, indeed, was appointed, and conditioned to be carried into Effect, whenever the proposed Equivalent should be found: and this proved, exactly, as honest and as profitable, as enfeoffing them with like Territories, in the World of the Moon, provided they were so tall, or so ingenious, as to reach them.

Ye have now, my Lords, had a Detail of all the Favours and Benefits which ought to have attached the Gratitude, of the *Roman Catholics of Ireland*, to the Descendents of the three First of the *Stuart* Family. Let us see if they prospered better by the Generosity of their Successors?

They, now, found themselves deprived of most of the Lands which they possessed, on the Accession of the first *Stuart* to the Throne of *England*. A Remnant, however,
was

was still left to those, who had sided with the Common-wealth, or who, by a prudent Neutrality, or by Minorship, or other Accidents, were preserved from any Impeachment or Colour of Defection.

But, here again, comes *James II.* the fourth of that friendly House, to take away, at one Sweep, whatever had, inadvertently, been left by his Predecessors. His personal Appearance, with the Government and Constitution, as they imagined, on his Side, were tempting Baits to seduce them from their better Interests; but his Promise of re-establishing the Religion of their Fore-fathers, and of restoring them to the Possession of all their lapsed Estates, overbore all Hesitation, and *Irish Catholics*, to a Man, embraced his Cause.

So great was the Folly and Superstition of those Days, that many even of the Protestants, against Interest and Common-Sense, sided also with this Enemy of their Rights and their Religion. They had not, it seems, reconciled themselves to King *James's*, *involuntary*

untary Abdication of the Throne, a most futile and needless Apology for rejecting him ; when he first ABDICATED THE CONSTITUTION, he, then, ABDICATED THE THRONE, and by the most effectual of all possible Releases, discharged every Subject in the three Kingdoms from their Allegiance.

In the mean while, all the Advantage that the *Irish* received from this Phœnomenon of the *Stuart* House, that appeared so wonderfully to rise and blaze forth in their Favour, was, that He subjected them to the Forfeiture of all the little Property which his Predecessors had left them ; that he paid their *true Courage* with *false Money* ; and that he abandoned their Persons to the Defence of his own Cause, though he himself, in Person, did not dare to avow it.

Happy for this poor People, the Conqueror of *James II.* was not of the *Stuart* Race, and was, still, a greater Alien to their Policy and Disposition, than he was to their Blood. *William* pitied both the Civil and Religious Prejudices of *Irish Catholics*. He beheld them

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as Enemies no longer than he beheld them with the Sword in their Hand. He restored to them the Properties and constitutional Privileges, of which they had been in Possession, at the Time of their opposing his Accession to the Throne. And, though he could not restore to them those vast Territories which they had lost, by Means of the *Stuarts*, He yet left them the free Privilege of acquiring an Equivalent, whenever they should be enabled, by the Products of their Industry, to purchase the Same.

Unhappily for this People, as also for other Purposes of infinite Import, the Reign of this Monarch was but of short Duration. To him succeeded Queen *Anne*, the last of the *Stuart* Line, and, with one Stroke, gave the *Coup de Grace*, or finishing Blow, to all the Misfortunes and Expectations of Roman Catholics in *Ireland*. Her Ancestors had barely deprived them of those Inheritances, of which they were in immediate Possession; but *Anne* took due Care, and made effectual Provision that neither they, nor their Posterity

city, should ever inherit a Foot of Land in that Kingdom.

It is not, here, my Business to dwell upon the Grievances of the many limiting, prohibitory, and penal Laws, that were enacted during the Reign of that Princess. Be it sufficient to observe, from the Beginning to the End, that the History of *Irish Catholics* and of the House of the *Stuarts*, seems to consist of little else than Severities on the one Part, and Sufferings on the other.

Here, my Lords, we have seen Provocations without Measure, and Oppressions, whereof we can see no End, heaped successively by every Branch of the *Stuart* Family, upon this People; Provocations more than enough to keep alive their Resentments against the Memory and latest Descendents, of that hostile House, by whom they and their Descendents have suffered, and still suffer, and may continue to suffer till Time shall be no more.

Here, my Lords, I say, we have seen every possible Motive for Rejection, Disgust,
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and

and Hatred irreconcilable ; but no one Motive, in Nature, for Affection or Attachment, to the Holding of a Hair. But Mr. Serjeant, perhaps, may now have changed his Sentiments, with respect to the religious Principles of *Roman Catholics* ; he may tell us that they have remitted the Offences of the *Stuarts*, through a Sense of *Christian Charity*. If, indeed, they can pardon Injuries, so irreparable and so lasting, they are, questionless, the most forgiving of all Christians. And, if they, indeed, continued attached to such ancient and inveterate Enemies, what would they have been to Friends, to Princes who had treated them with Lenity and Goodness ?

But, my Lords, should we suppose, with Mr. Serjeant, that this pretended Attachment, of *Irish Catholics* to the *Stuarts*, was somewhat more than imaginary ; what then ? Had it been formed of Links of Steel, it could not have endured to the present Generation. Time ceaseth not, from Day to Day, and Hour to Hour, to expunge, to wear, and erase all Impressions and Traces of former Interests

Interests and Regards. To Day we are in Despair for the Loss of Parents, of Children, of some beloved Wife, or of Husbands dear to Matrons who were not *Ephesians*: To-morrow and to-morrow, the Violence of our Affliction begins to subside; every Week and Month brings additional Lenitives; next Year we become easy, the next Year we become chearful; and at last we find what, at first, we could not suppose possible, that the *Affections*, as well as the *Fashions* of this World, pass and vanish away.

It is now seventy Years, and several Generations have decayed and succeeded, since any *Irish Catholic* lifted a Hand in Aid or Comfort of a Descendent of the *Stuarts*: Even, during three Rebellions in *Scotland*; all was quiet among the *Irish*; no Commotion or Cry was heard in their Streets; no Voice of Disaffection, to Government, or to that Family from whom the Throne derives its present Lustre.

But, my Lords, where is this House of the *Stuarts*, to which the *Roman Catholics* of

Ireland are said to be so attached? What are their Powers, their Expectations, their Connections, their Family Alliances? Where, I say, is the Warmth and Lustre, of this same *Polar Star*, whereby our *Irish Catholics*, as Mr. Serjeant alledges, *look to steer into a Haven of final Safety*? All dark and extinct, not a single Ray remains to attract or direct an Eye to the Place of their Existence. Such Things and Persons have been; but no Part of the known World, now, yields us any Tidings or Intelligence concerning Them.

My Lords, I would humbly propose a Question which every Man, who hears me, may answer to himself. If, while the House of the *Stuarts* stood, *Irish Catholics* were invariably and inviolably attached to It; ought such Fidelity and Affection to their former hostile Masters, ought such a virtuous Propensity to make them any way obnoxious to their present benign Rulers?

A certain Duke of *Orleans* raised Commotions in the State against his Kinsman, then King of *France*; but all his Measures were
watched,

watched, and defeated, by some Persons who were inviolably attached to the Crown. Upon the Death of the Monarch, this same Duke ascended the Throne. His Courtiers thronged about him. They called out for speedy Vengeance on his late implacable Enemies. But his Majesty turning toward them, with a Smile and a Nod; hush, hush, said he, whisperingly; *They are the very best Friends I have upon Earth; for those who were faithful against me while I was Duke of Orleans, will be the faithfullest to me, now that I am King of France.* It is *Duty*, and not *Person*, to which they stand attached.

In truth, no People in these Dominions, no People in the Universe, can give surer Demonstrations, of their Obedience to Government, or Fealty to the reigning Powers, than *Irish Catholics* have given of their Amenableness to our Civil Establishment, for these seventy Years past, and of their Loyalty to the House of *Hanover*, since their first Investiture with the Crown of these Kingdoms.

It is true that the *Roman Catholics* of the Kingdom of *Ireland*, cannot comply with the Act of *Uniformity*, neither take the Oath of *Supremacy*, for these are contrary to their Conscience. But they are desirous of taking the firmest Oath, of true Faith and Allegiance to the gracious Person and Government of his Majesty *George* the Third; that is required from the Papists, of any other Nation, to any other Government throughout the Earth.

Let us no longer, then, be deceived, let us no longer deceive ourselves, *with an old Woman's Fable of the Massacres of Forty-one; with a groundless Imputation of infernal Principles, or with an idle Supposition of this People's Fondness for a Race of Princes* whom, of all created Beings, they have a Right to detest. Let us no longer, I say, deceive ourselves with such chimerical Apprehensions; as tho' the Throne of the reigning Majesty were endangered by *Irish Catholics*, or that Protestants could not live with them in good Fellowship or Security. Such Notions are as
everfive

everfive of Truth and our own Charity, as they are injurious to those our inoffensive Countrymen and Fellow Christians.

If *Irish Catholics* have been nursed in Ignorance, or bred up to some Errors, that we have reformed; this is greatly their Misfortune, but no way the Fault of their Nature, or of their Will. Shall we then prohibit them from their Portion of Comfort upon *Earth*, because we think ourselves in a fairer Way of attaining Happiness in *Heaven*? Be it sufficient, for the Security of our King and Constitution, and for quieting the Jealousies of their Protestant Brethren, that their Religion preacheth Peace, active Obedience, and passive Submission to all Civil Establishments, under which they shall happen to live; and that their Conduct hath been proved, invariably, conformable to the said Precepts, from Generation to Generation, beyond the Memory of Man.

But, my Lords, I have heard quest i
ed, by Men of Discernment, whether many
of our *Irish* Protestants have in fact the Je-

lousies, that they pretend, of the Principles or Propensities of *Irish* Catholics. People of selfish Hearts, and narrow Understandings, are apt to conceive that any Accession, to the Fortune of a Neighbour, is a lessening and Abridgement of their own Possessions. Ignorance looks upon Lands, however waste and uncultivated, as the Wealth of a Nation; and Avarice desires to engross the said Wealth to itself, though incapable of encreasing or using the same. Hence, many *Irish* Protestants are studious to contrive, and to foment Fears and Jealousies, to the Prejudice of their Popish Brethren, in order to preclude them, for ever, from any Portion of Property or Prosperity in their common Country. They ignorantly imagine that the Possession of that desolated Island, is as a Feast where, if few Guests participate, there will be the better Cheer. But, such a national Feast, as ye well know, my Lords, requires many Hands to prepare and to serve it up; and what Sort of Fare ought we to get or expect, where we tie up the Hands and starve the Mouths of our Caterers.

This,

This, my Lords, hath been done, in Effect, by the many limiting Clauses and Exclusions, of our Popery Laws, in *Ireland*. We have, by Discouragements amounting to an absolute Prohibition, precluded, nearly, two Thirds of the Natives of that Kingdom, from contributing to the Prosperity of the remaining Inhabitants; and, by suppressing the Industry of the greater Part, we have effected the impoverishment of the whole of the Nation.

The Number of the People, my Lords, hath ever been accounted the Wealth of every Republic; because Number supplies Hands; and because those Hands supply Industry; and because Industry supplies those Products that can alone constitute the Wealth and Prosperity of Man: But if any Republic shall, preposterously, tie up the Hands, or discourage the Industry of its Constituents; the Number of Hands, that makes the Blessing and the Wealth of all other Republics, becomes the Curse and the Poverty of such an infatuated People; and the Compilers

pillers and Abettors, of such perverse Laws, find their Punishment in their Participation of the general Calamity.

Let us then unmuzzle the Oxen by whom, alone, we can propose to till the Land or to tread the Grain. Let us do more than relax the Hands by whose Industry we wish to prosper; let us encourage, let us incite them to labour for us, by admitting them to a Share of the Product of their own Toils. Let us suffer this poor People to eat the Bread of the Land, and, in return they will furnish our Tables with Dainties. Let us bind them to us by their Interest. Let us take a Pledge of them by their Property. And let us turn the Wastes of *Ireland* into Scenes of Plenty and Prosperity, by making it the Advantage of *Irish Catholics* to reclaim and cultivate the same.

Lord Chief Justice.

GENTLEMEN OF THE JURY. This Tryal has been long, but that Length was unavoidable. Great Difference is to be allowed, between the Tryal of a single Man,
and

and that of a whole Nation ; and still more, where the Transactions and Interests, of that Nation, are carried backward, through past Ages, and forward into Futurity. Various Histories of Times past, Presumptions of Times to come, with all Causes and natural Consequences, any way relative to such Concerns, ought to be brought into Debate and impartial Consideration.

The Gentlemen of the Bar have, with equal Ingenuity, selected and digested whatever was material to their respective Pleas, and have argued with equal Perspicuity and Eloquence.

Indeed the Council, for the Crown, has been much more concise than the Council for the Accused. But, in all Cases, it takes more Time and Terms, to answer and to solve Ænigmas and Exceptions, than to propose them.

In recapitulating what has been said, I shall, purposely drop all Matters of Invective, and Figures of Oratory; I shall only touch

touch what I conceive to be the Merits of the Cause on either Part.

Mr. Serjeant *Statute*, in his Plea against the Roman Catholics of *Ireland*, first charges, That during the Reigns of *James and Charles I.* those People enjoyed all spiritual and temporal Privileges equal with Protestants whose Religion was established by Law. And he further supports this Charge by the Testimony of Lord *Clarendon*, an Author, to this Day, in great Repute.

This was a very material Part of Mr. Serjeant's Plea; for, had the Case been so, it would have argued and aggravated the great Wickedness, as well as Folly of *Irish* Catholics, to rise against Government when they had nothing to complain of, nothing to redress.

To this Mr. *Candour*, Council for the Accused, answers, that the Fact was wholly the Reverse of what Mr. Serjeant represented; and that the spiritual and temporal Grievances of *Irish* Catholics, continued and encreased, throughout the said two Reigns.

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In Contrast to the Testimony of Lord *Clarendon*, with respect to Spirituals, he produces many public and notorious Instances, where the Act of *Uniformity* was enforced with much Rigour; where the Exercise of the Popish Rites and Ceremonies were prohibited; and where those People were enjoined under heavy Fines and Penalties, to conform to a Religion that was contrary to their Conscience; a Matter which would have been as wicked in the Practice, as it was severe in the Appointment. For he who doeth *Good*, against Conscience, doeth *guiltily*.

Again to invalidate the Testimony of the said noble Author, with respect to Temporals; Mr. *Candour* produces such a Multiplicity of unquestionable Authorities, that it is wonderful how any Historian should have overlooked them.

He shews us that, early, in the Reign of *James I.* a civil Inquisition was appointed, in *Ireland*, for examining the Titles that People had to their Estates.

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I must here observe to ye, Gentlemen, that from the Conduct and Intention, of this Inquisition, it does not appear that any Fault or legal Forfeiture, on the Part of the Proprietors, was either pretended or required, in order to the divesting them of their Estates; if they could not produce and prove some grant from the Crown, or other Equivalent Conveyance, these Estates were, then, to revert or escheat to his Majesty; on the original Title, as we may suppose, of the Grant of the Kingdom, to King *Henry*, by Pope *Adrian*. Thus, the longer these Tenures had continued in Families, the more they were in Danger of Forfeiture or Reversion, through the Likelihood that the Title Deeds had perished by Time or Accident.

This Inquisition, however, was prosecuted with equal Injustice and Application, during the whole Reign of *James*, and to the latter End of the Reign of *Charles I.* and that in so shameless a Manner, particularly by Lord *Wentworth*, as casts back Infamy on the Council, Judges, and Inquisitors, and all who were Parties to the same.

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There can be no Question, Gentlemen, of Facts equally attested, by the vast Territories found for the Crown under the said Inquisition, by the Remonstrances of Parliament on the said Grievances, by his Majesty's Promise of Redress and Relinquishment, and by his transmitting two Acts to the Commons of *Ireland* for that Purpose: And, indeed, Mr. Serjeant seems so conscious of Mr. *Candour's* having refuted this Part of his Plea, that he silently acquiesces in a Procedure to new Matter.

Mr. Serjeant had further charged that, on the 23d of *October*, 1641, a universal Conspiracy and Insurrection of the Roman Catholics broke out through all *Ireland*. That forty or fifty thousand Protestants were massacred before they had Notice or Time to avoid the Danger. And that one hundred and fifty thousand were butchered, in cold Blood, during the two first Months of this Rebellion.

In Proof of the two first Articles of this heavy Charge, Mr. Serjeant quotes the express

press Affirmation of Lord *Clarendon*: And, in Proof of the last Article, he quotes the express Affirmation of Sir *John Temple*.

On the other Hand, the Council for the Accused sets these two illustrious Witnesses at Variance with each other; and shews that Sir *John Temple*, in direct Contradiction to Lord *Clarendon*, affirms that the *Irish*, at the first, did not murder many *English*; but certainly, says he, that, which these Rebels mainly intended and busied themselves about, was the Driving away *Englishmen's* Cattle and possessing themselves of their Goods.

Having, thus far, weakened the Authority of one or both of these Historians; Mr. *Candour* continues gradually to remove the Weight of this whole Charge, by the Testimonies of a Proclamation of the Lords Justices, *Parsons* and *Barlase*, recited by Sir *John Temple* himself. By Extracts from the Journal of the House of Lords here in *England*. By a Letter from Lord *Clanricarde* to the Earl of *Bristol*. By a Letter from the said Lords Justices to the Lord Lieutenant, then

then in *England*. By another Letter from the said Lords Justices to the said Lord Lieutenant. And by a special Commission of the said Lords Justices, dated *December 23d, 1641*, precisely two Months from the Day of the Insurrection, and directed to several Magistrates, in the Province of *Ulster, &c.* to enquire into the Damages done by *Irish Catholics*. All which concurring Testimonies serve to persuade us that the Insurrection was very far from being general, either on the first Day, or in the two first Months of said Rebellion, and that not the hundredth Protestant, affirmed to have been massacred, can be supposed to have perished within that Time.

Mr. Serjeant, hereupon, appears amazed that so many Authorities could have been brought together, for the Overthrow of the Credit of his two historical Pillars, so long and so well established in the Opinions of Mankind. He cannot consent that either *Clarendon* or *Temple* should be thought guilty of false Evidence; he therefore imputes the

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Error

Error of the *First* to some Interpolation, and the Error of the *Latter* to the Carelessness of Printers, who had inadvertently substituted the Word *Months* for *Years*.

Gentlemen of the Jury. In my present Charge, I have chosen to follow that natural Order, in which the Merits of both Pleadings arose to my own Mind, rather than the precise Order in which they were argued. I should, otherwise, have informed you, before now, that Mr. Serjeant, growing warm on some little Matter of triumphant Merri-ment in his Opponent, crys out, we may, shortly expect to be told that there never was such a Thing as the Infurrection of Forty-One. This Gentleman may even except to the Depositions taken of the many bloody Butcheries committed at that Time; Depositions that have stood the Test of all Time and Enquiry these hundred Years and upward.

To this Mr. *Candour* very coolly answers, that he does peremptorily except to those very Depositions. That all of them were
taken

taken by Persons, who were the prejudiced and avowed Enemies of the People whom they proposed to criminate thereby. That some of them might be presumed the Depositions of those who took them, rather than of those who signed them, who could neither write nor read, and who, consequently were ignorant of the Contents to which they put their Firm. That most of them were taken from Persons just escaped from the Enemy, and were dictated, not by Facts, but by the Fears of the Deponents; that they actually believed all to be massacred whom they left behind, a natural Effect of their Pannic, while each Deponent arrived terrified, like the Messengers to *Job*, and cried, *I only am left to tell the Tale*. Lastly, Mr. *Candour* closes his Apology, on this Head, with a Recital of the Absurdities contained in some of the said Depositions, and pleasantly hints at the Difficulty of numbering the Ghosts, at *Portadown* Bridge, and of being duly ascertained of their religious Principles.

Mr. Serjeant, somewhat piqued at this Kind of Raillery demands, of his Opponent,

whether he admits that any Murders or Massacres were at all committed, by *Irish* Catholics, during the Course of this Rebellion ; or whether it might not have been a very placid kind of Business, and quite innocent of Blood.

To this Mr. *Candour* replies, and does not hesitate to confess, that there were many, too many Murders and Massacres committed on both Sides. But, Gentlemen, the Distinction, which Mr. *Candour* makes on this Occasion, is worthy your particular Notice and future Recollection, as it is the Axis on which this Tryal is likely to turn. These Massacres, he says, were not committed, on the one Side, by the People properly called *Protestants* ; nor, properly speaking, by the People called *Irish* Catholics, on the Other. They were committed, upon *Irish* Catholics, by a *fanatic and enthusiastic soldiery* ; and upon *Protestants*, by a *savage and exasperated Rabble of Free-booters*. He observes that *English-Protestants* and *Irish Papists* were, alike, Sufferers on the Occasion ; that the Generali-
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ty, of the one and the other, had, in no Degree, provoked or interfered in the Quarrel; that they were mutually made the Victims thereof; and that the Helpless and the Innocent, on either Part, were cast to the Swords of the Guilty and the Offending.

Mr. *Candour*, having thus wholly cleared his Clients, as he conceived, from every criminal Imputation, hitherto charged by the Council for the Crown, expresses his Desire of dropping all further Altercation, touching the Infurrection of 1641, lest, in the future Defence of his Clients, he should be compelled to criminate the Sectaries of those Days and, thereby, to give Offence to the Sectaries of these Days, with whom we continue to live in all Peace and Charity.

Mr. Serjeant, however, will by no Means agree to such a Compromise. He seems to think that, where *Temple* speaks of the Massacre of one hundred and fifty thousand within the first *two Months* of the Rebellion, the Error lay merely in the Abridgement of the Time, and not in any Exaggeration of

the Number. Thus restored as he apprehends, to the Merits of his Charge, he proceeds to persuade us of the Likelihood of the Fact from the ancient Antipathy of the *Irish* to the *English*; from their beholding them as the Invaders of their natural Rights and Properties; from their Propensities, on that Account, to perpetual Rebellions, since the first *English* Invasion; and that, at this particular Period, when the *Scotch* were up in Arms, and the King embroiled with his Parliament, the *Roman Catholics of Ireland* gladly seized the Occasion to cast off the *English* Yoke, which they nearly effected, as Mr. Serjeant affirms, by the Massacre and Extirpation of almost every *English* Protestant within the Kingdom.

Mr. *Candour*, no longer permitted to decline the Contest, casts this ancient Repugnance, of the *Irish*, to Government, upon the intolerable Insolence and Tyranny of the *English*. He adds that, during the Reigns *James* and *Charles* I. when these People were admitted to the Protection and Warmth of
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a just and a free Constitution; had not these Advantages been, again overpoized, by the Deprivation of their Estates and the Prohibition of their Religion, they would have sat down in Peace, the most satisfied and grateful of all Men living.

In Attestation of this just and amenable Disposition in the native *Irish*, Mr. *Candour* refers to several very honourable Memorials in their Favour, quoted from Sir *John Davis*, Attorney-General to *James I.* and one of the itinerant Judges in *Ireland*. Agreeable to this their peaceable Temper, he affirms that during the whole War of 1641, eight Tenths, of *Irish* Catholics, never offered to stir in any Act of Hostility. That great Numbers of their Gentry were personally attached to the King. That all this People, without Exception, were attached to the Constitution. That such an Insurrection was by no Means the general Inclination of the *Irish*. That they avoided its Commencement. That they detested its Consequences. That they were artfully and violently impelled

thereto, with a View to the Forfeiture of their Lives and Fortunes. And that they had no other Alternative, no other Option, save patiently to abide the Swords of their Enemies, or to stand for their Lives.

Mr. *Candour*, at this Time, seems justly aware that Allegations so contrary to the Opinions and Prejudices, long entertained and deeply rooted against this People, require very uncommon and unquestionable Proofs. He, therefore, calls in a Host of honourable, right honourable, and royal Witnesses to his Aid. From several Testimonies of Lord *Clarendon*, and several Testimonies of Sir *John Temple*, who were principally quoted against this People; from that of his Majesty King *Charles I.* from many Testimonies of the Earl of *Clanricarde*; from that of the Author of the History of Independency; of the Reverend Doctor *Nelson*; of the Earl of *Castlehaven*; and of the Parliament of *Ireland*; he shews,

That, “ *Many of the Irish Catholics were*
 “ *driven by the Rigour of those who were in*
 “ *Authority, to put themselves into the Protection*
 “ *of*

“ of those whose *Ways and Courses* they totally
 “ disapproved. That the Persons, then in Power,
 “ threatened all *Extremities* to the Community
 “ of the Irish Nation, resolving to destroy Root
 “ and Branch, Men, Women and Children,
 “ without Regard to Mercy. That such Mea-
 “ sures armed this People with Desperation.
 “ That the Rigour fell even upon well deserving
 “ Servitors. That even those, of the Irish Ca-
 “ tholics, who fought under the Banners, and
 “ in the Cause of the Government, conceived
 “ themselves destined to Destruction let their En-
 “ deavours be never so loyal. That the Lords
 “ Justices had so disposed of Affairs as if the
 “ Design was laid to put the whole Nation into
 “ Rebellion. That this was purposely done by
 “ the Independents that both Papists and Pro-
 “ testants might destroy one another. That the
 “ Lords Justices had a greater Eye to the For-
 “ feiture of the Rebels Estates than to any
 “ Means for preventing or suppressing the In-
 “ surrection. And, that a more unpleasing In-
 “ clination could not be discovered than a Wish
 “ or Consent that the War should be any other
 “ way

“ way ended than with the Blood and Confisca-
 “ tion of all this People.

Hereupon, Mr. *Candour* observes that, after so many industrious Contrivances, for fomenting Discontents, and for exasperating the Spirits of *Irish Catholics* against an *English Government*, it was not to be wondered that the Dregs of this People should boil uppermost, and that the Savage and Flagitious should perpetrate many Barbarities. But Mr. *Candour* shews that these Barbarities were so far from being imputable to the People, properly speaking, called *Irish Catholics*, that they were perpetrated contrary to the Custom of their Army, to the Ordinances of their Clergy, and to the Orders of the Chiefs of the Insurrection; that many of the Offenders were punished by the *Irish* themselves; and that they were universally condemned and excommunicated by their Church.

Mr. Serjeant *Statute*, additional to his first Charge of the Massacre of one hundred and fifty thousand, further affirmed that, in the Course of this Rebellion, the *Irish Catholics* nearly effected

effected their Intention, of casting off the *English* Yoke, by the Extirpation of almost every Protestant within the Kingdom.

To this Mr. *Candour*, in the Course of his Defence, very fully replies. He shews, by a natural Deduction of historical Facts, from the first *English* Invasion to the Insurrection of Forty-One, that the collective Number of Inhabitants in *Ireland* could not be many; and, agreeable to the numerical Estimates of those Days, he shews, that the respective Amount of Episcopal Protestants, in that Kingdom, could not exceed the 150,000 alleged to be massacred. Wherefore to alleviate our Apprehensions of the utter Extirpation of all these Protestants, at that Period; he very charitably proves, from the Authorities of Doctor *Borlase*, *Carte*, *Ware*, and Others; that the great Numbers of Protestants, who possessed themselves of strong Holds, who escaped from the open Country of *Ulster* to *Dublin*, who were delivered from Bondage by Sir *William Cole* and Sir *Frederic Hamilton*, who were preserved by Captain *Mervin*

Mervin in the County of *Firmanagh*, who got safe to *Derry*, *Coleraine*, and *Carrickfergus*, who were Inhabitants of *Dublin*, who resided peaceably in the open Countries of *Munster* and *Leinster*, who lived under the Protection of *Irish Catholics* where they were predominant, and who were saved from the Rabble by the Priests and Chiefs of the said Catholics; Mr. *Candour* shews, I say, that, when all these Thousands upon Thousands are totted together, there cannot be very many missing of the original one hundred and fifty thousand, the Amount, as has been estimated, of Episcopal Protestants, at the Time of the Infurrection.

Mr. Serjeant, finding himself thus pushed from all the Arguments and Authorities wherewith he had entrenched himself, retreats to a Corner which he thinks still terrible; he says he does not so much insist on any particular Number, of Massacres and Murders, as on the Barbarity of the Manner with which they were committed; and he, instantly, offers to go into Proof.

Here,

Here, however, Mr. *Candour* interposes a friendly Caution, he hints that People ought not to be over forward in attacking Others from that Quarter where they, themselves, are most exposed; and he intimates his being able to produce five Instances, for One, of Cruelty for Cruelty, and Murder for Murder.

To this Mr. Serjeant replies, by a last Effort of Genius. He tells us, to the Purpose, that the Nature of an Action is properly defined from the Nature of its Motive; and that the very same Slaughters, which are Massacres and Murders in the Hands of the Invaders of Laws, Country, or Constitutions, are Deeds of Worthiness and Virtue in the Defenders thereof.

Mr. *Candour*'s Reply, on this Occasion, was too particular, and too deserving of the Remembrance of all who heard it, to require any Repetition. I shall, therefore, barely observe that War, itself, when even exercised against Rebels and Invaders, hath its Laws and its Precincts. That no one ought to be

be offended who, by Captivity, Surrender, or Disability of Age or Sex, is incapable of giving Offence. That the Pretence of Law or Religion, for the Perpetration of evil Deeds, serves only to deepen their Guilt. And, that Mr. Serjeant could not do a greater Disgrace, to the civil or religious Constitutions of his Country, than by ascribing to Them the Horrors that he has, vainly, endeavoured to justify by their Authority. Indeed, what worse could he say of the People, whom he has arraigned, than that their civil and religious Principles tend to the Promotion and Perpetration of such pernicious Deeds?

Mr. *Candour*, on the other Hand, has disclaimed all such Deeds and all Tendency to such Deeds, on the Part of his Clients. He has shewn that, during the Reigns of *James* and *Charles I. Irish* Catholics, notwithstanding their temporal and spiritual Grievances, continued loyal and even affectionate to those two injurious Princes. That, previous to the Insurrection of Forty-one, many additional

onal Provocations were given, and many Rumours purposely spread, to persuade this People that they were utterly to be extirpated. That the Infurrection, however, was very far from being general. That they were violently and industriously impelled thereto, with a View to the Forfeiture of all their Fortunes. That they had no Alternative, save that of drawing their own Swords, or of offering their Throats to the Sword of their Enemies. That in Times of such lawless Distraction and Ferment, Rancour begot Rancour, and Cruelty begot Cruelty. That the Commissions, on either Part, were bloody, dreadful, inexcusable. That the Commissions, however, on the Part of the *Irish*, bore no kind of Proportion to the Representation of their Enemies. That such Barbarities were perpetrated, by an exasperated Rabble, against the Inclinations of their People, the Custom of their Army, the Orders of their Chiefs, the Exhortations of their Clergy, and the Ordinances of their Church. That, where they could not duely restrain the Profligate and Flagitious of their own Party, they shewed

shewed their Abhorrence of such Enormities by a contrary Conduct; by rescuing, freeing, defending, cloathing, feeding their Protestant Brethren; by convoying some to Places of Safety; by protecting others at their own Hearths; by sheltering them in Chapels; by saving them under Altars. Finally, Mr. *Candour*, having intimated that the Amenableness, and Innocence, and Virtue of the *Many*, ought to compensate, in the Eye of Prejudice, for the Guilt of the *Few*; he pathetically wishes that the signal Instances which he has given, of the Humanity and Charity of the Forefathers of *Irish* Catholics to the Forefathers of *Irish* Protestants, may avail them, at this Time, for turning the Hearts of their Children into Sentiments of kind Neighbourhood and brotherly Love. I confess that I do not perceive, within myself, any Aversion to the Success of this Petition.

Mr. Serjeant *Statute* being, thus, gradually pushed from all the Posts and Fortresses, with which he thought his Argument so securely entrenched,

entrenched, appears, however, extremely unwilling to quit the Field.

He finds that he cannot any longer maintain his Charge upon *Proof*; he is desirous, however, of supporting it upon *Presumption*. With this View he intimates that the *Practices* of People must bear a Proportion and Conformity to their *Principles*; and he trusts, from a Display of the Wickedness of Popish Principles, to infer, an equal Depravity and Wickedness of Practice.

He then proceeds to give us a Summary of those horrid and detestable Tenets. He sets forth the Church of *Rome* as the Patroness and Sanctuary of all Kinds of Sin. He intimates that her Indulgence to the Crimes of her Votaries, requires neither the Contrition nor Reformation of the Delinquents; but that her Priesthood, as it were with a magical Sponge, can wipe away all Wickedness, however deep the Stain. That such Pardons may be granted to Sins that are, yet, scarce in Embryo or Contemplation. That they will avail for a Lease of Enormities to come.

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That they may be purchased for Years, for Life; be made descendible to a Man's Heirs, and, thereby, at once, may encourage and expunge the future Profligacy of Posterity. And he lastly affirms that when any Matter of Iniquity, however detestable in the Sight of God and Man, is supposed to be available for promoting what is called the Catholic Cause, it then changes its Nature, becomes a Matter of Righteousness, is sanctified by its Motive and deserves Reward.

Mr. Serjeant, it is true, does not produce any Authority in Support of the Justice of these horrid Imputations; but he clearly evinces that they are not of his own Invention, and that they must formerly have been charged to the Church of *Rome*, since her Advocates have taken great Pains to refute them.

I must observe to ye, Gentlemen, that Mr. *Candour*, in his Answer, takes a Method quite opposite to that of Mr. Serjeant. As Mr. Serjeant would infer the Wickedness of Popish Practices from the Wickedness of their Principles;

Principles; Mr. *Candour*, with some better Appearance of Reason, would infer the Goodness of Popish Principles from the Goodness of their Practice.

For this Purpose, he seems to deviate from the Point in View, by running a Round throughout History, from the Reformation downward; in all which he shews that there is no Kind of Conformity between the Practice of any Popish Nation upon Earth, and the Heinousness of the Principles imputed to this whole People.

He admits, however, that, previous to the Reformation, there might have been some Foundation for the said Charge; but this he accounts for by a very natural Distinction between the *Church* and the *Court* of *Rome*; whereby he shews that when *Rome* was in her Zenith of temporal Principality, her Court was tempted to utter, in the Name of her Church, the Dictates of Ambition and worldly Policy. He proceeds to remind us that this Temptation has wholly ceased. That *Rome* has been long deprived of her temporal

Dominion. That she is now no longer a Court, but a Church of *Christ*. That she is thereby restored to her primitive Charity. And that, as she ceases to be interested in the Dictates of worldly Policy, we cannot have any thing to fear from her Religion.

Mr. *Candour* is not contented to rest here. He proceeds to affirm, and takes upon him to demonstrate, that the Principles, imputed by Mr. Serjeant, were, at no Time, the Principles of the Roman-Catholic Church.

In Support of this bold Assertion, he quotes the Authorities of the General Council of *Constance*; of all the Academies of *France*; of the Provincial Congregation of the Jesuits at *Ghent*; of the *French* Clergy in their general Assembly; of the most eminent Doctors of the Roman-Church, and of the Manuals and Books of Devotion universally approved, printed, published, and used by all Popish Families, throughout the World. And he shews, from the said Authorities, that the Church of *Rome* is not satisfied with the bare Disavowal of such abominable Tenets,
but

but that she publishes, preaches, and inculcates, to all her Members, Doctrines wholly the Reverse of those with which she is charged. And he, lastly, demands to know, by what Right or Authority, any Person can pretend to form and promulge a System, in the Name of the Church of *Rome*, which she, herself, universally refutes and contradicts, by her Preaching and by her Practice.

Here, Mr. Serjeant, like other great Men at the Bar, seems to fear that the Want of Justice, on his Side, might possibly be mistaken for the Want of Genius; and, as he cannot support his Charge (against Papists) of Principles repugnant to Civil-Government, he takes Occasion to quarrel with them for Matters that differ, merely, in point of Faith and Opinion.

To this Mr. *Candour*, very pertinently, replies, that the sole Use of Religion, in temporal States, is, by making good Men to make good Subjects; and that all Opinions are tolerable, in every Civil Government, that cannot be charged with political Im-

morality, or, that do not make bad Subjects, by making bad Men.

He goes further. He affirms, with great Appearance of Reason, that several of the Tenets of the Church of *Rome*, such as auricular Confessions, Purgatories, Fasts, and Penances, however erroneous in Point of *Religion*, are attended by Consequences advantageous to *Civil Government*, and, by habituating Roman-Catholics in their Submission to *Church Discipline*, prepare them for that Obedience which is due to the *secular Powers*.

Here, Gentlemen, I concluded that this Controversy was at an End. For, when the *Principles* and *Practice*, of a People, had been fully convassed, I did not perceive that any Thing further could be objected. I was, therefore, proceeding to my Charge; but Mr. Serjeant gave me to know that I was too precipitate.

He informs us that, though all other Catholics, throughout the World, should be, deservedly, accounted loyal and ameneable to Government; yet the Catholics of *Ireland*
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can never bear true Fealty to the royal House of *Hanover*, so long as an Individual of the infatuated House of the *Stuarts* shall remain.

In Proof, he shews that, notwithstanding the peculiar Grievances under which the Roman-Catholics of *Ireland* laboured, during the Reigns, and by the Means, of *James I.* of *Charles I.* of *Charles II.* of *James II.* and of the last Regent of a Line, severely inauspicious to this People; they yet continued attached to the Persons of those Princes, with the Fondness of a Spaniel, and the Adherence of a Bull-Dog, who will not quit his Hold tho' torn Limb from Limb. And, indeed, if Mr. Serjeant had further shewn that these People had proved unfaithful to the Princes of a different House, or had acted against *William III.* against *George I.* or *George II.* in Favour of any *Stuart*, since they were legally excluded from the Throne of these Realms; his Charge had been greatly in Point, if not conclusive.

Mr. *Candour*, in Answer to this imputed Attachment, which he calls chimerical, does not offer to argue, in form. He thinks it sufficient to shew, by a Detail of historical Facts, that *Irish* Catholics, of all others, had the greatest Reason to detest every Branch of a Line of Princes, who commenced in their Sufferings and concluded in their Ruin.

He proceeds to observe that, had this unaccountable Attachment of *Irish* Catholics, to the House of the *Stuarts*, been any Thing more than imaginary; had the Remembrance thereof, even descended from Father and Son to the third and fourth Generation; yet Time, and the Attrition of Years after Years must, 'ere this, have erased all such partial Impressions; and that, in Instances of much nearer and dearer Recollection, the Affections, like the Fashions of this World, pass away.

If in Reality, says he, the Roman Catholics of *Ireland* continued faithful and loving to Those, their inveterate Enemies, what would they have been to Friends, to Princes who
had

had treated them with Lenity and Goodness? Such Fidelity and Affection to their former bad Masters, can surely give no Cause of Exception or Umbrage to their present benign Rulers.

But where, demands Mr. *Candour*, where is this House of the *Stuarts*, to whom the *Irish* are said to look, as to the Haven of their Salvation? — Unhappy, and obscure People! if any such there are, the World neither takes Cognizance nor Concern about them. And who will look for Support or Succour from those, who cannot, themselves, subsist, but by the Compassion of others?

GENTLEMEN of the Jury; you undoubtedly recollect many Things, in this Argument, which the Briefness, peculiar to a Charge, did not permit me to recite. Ye are, now, at Liberty to retire, and to consult upon a Verdict, most agreeable to Equity, and to the Nature of the Evidence that has been laid before Ye.

Foreman.

Foreman.

My Lords, we do not need to leave the Box, in order to debate this Business between ourselves; we are already agreed upon our Verdict. But, my Lords, this is a Cause of great Weight to the World, and, it has been so fairly and fully handled, this Day, as to induce us to desire that the Pleadings, on both Sides, should be made public; as well to clear away the Load of historical Rubbish that has lain upon Truth this Century past, as for the Satisfaction and Information of all People; and more especially, for quieting and conciliating those Animosities that have been so long fomented by mutual Misrepresentations.

Such a Publication, my Lords, as we humbly apprehend, would render our Verdict altogether unnecessary; as every Man must then judge, according to the Truth of Facts so very clearly and satisfactorily demonstrated to Mankind.

Lord

Lord Chief Justice.

You must pardon me, Gentlemen; the Court cannot dispense with a Proceeding so contrary to Form and Precedent. We insist upon your Verdict. We, however, approve of the Publication of these Pleadings; as they may serve to acquit you of any Partiality, and, as I trust, to justify your Decision, whatever it may be.

Gentlemen of the Jury — Are you agreed in your Verdict?

All.

Agreed.

Lord Chief Justice.

Were the People, properly called the Roman Catholics of *Ireland*, guilty, or not guilty, of the many horrid Barbarities, during the Troubles of 1641, charged upon them by Lord Clarendon, Sir John Temple, and other Historians?

Foreman.

Not guilty, my Lords.

Lord

Lord Chief Justice,

Are the religious Principles of Roman Catholics consistent or inconsistent, with the Welfare of Civil Government?

Foreman.

Consistent with the Welfare of every Civil Government.

Lord Chief Justice.

Has the present Government of these Kingdoms any Danger to apprehend from the Attachment of *Irish* Catholics to the House of the *Stuarts*?

Foreman.

No Danger to be apprehended, as we humbly conceive, from the fallen House of the *Stuarts*, on any Score whatever.

Lord Chief Justice.

Amen, Gentlemen, so be it, we pray God! — May all *Irish* Papists join with us in wishing that the illustrious House of *Hanover* may continue to reign over these Kingdoms, for ever, in their present Meridian of Glory and Happiness.

Foreman.

Foreman.

We most ardently concur in that Petition to Heaven! And, indeed, every Verdict, upon Earth, ought to close with an *Amen* to a Prayer for the Patrons of the Liberties of Mankind.

But, my Lords, we take leave to remind you, that Mr. *Candour*, in the Close of his Reply to Mr. Serjeant *Statute*, went a Step or two further than he was warranted, as we think, by any previous Charge against this People.

He intimates that some *Irish* Acts of Parliament, respecting Roman Catholics, are indiscreet, in Point of Policy, and severe in Point of Humanity. He does not seem to be satisfied with refuting the several Charges of Mr. Serjeant *Statute*. He himself, in his Turn, becomes the Assailant. He hints at the Cruelty of precluding Fellow-Subjects, Fellow-Christians, and Countrymen, from the common Participation of Earth and Air. He directly charges *Irish* Protestants with Imprudence, and Inhumanity in their Conduct

duct toward *Irish* Papists. And he speaks, broadly enough, of the Suppression of the Prosperity of the Kingdom of *Ireland*, by certain Ligatures which the Laws have put upon the Hands of two Thirds of the whole People.

Any Measures, my Lords, that tend to a Man's Benefit, though at the Cost of his Brother, may be accounted for on the Principles of Self-Interest, or Self-Love. But Measures that apparently tend to our own Ruin, without any Advantage, save that of crushing under us the People whom we hate, such Measures, I say, may possibly be accounted for, on the Principles of Passion, but never on any Principles of common Policy or common Sense.

We cannot, therefore, but apprehend, with all Deference to the Merits of Mr. *Candour*, that his Warmth in the Cause which he undertook, has transported him into Excesses which he cannot coolly warrant. And, if Mr. Serjeant would be so good as to undertake the Defence of *Irish* Protestants,

on

on this Head, we should hear him with great Pleasure, if not with some Prejudice in his Favour.

Lord Chief Justice.

Be pleased to reflect, Mr. Foreman, that we really have not Time to call another Cause. The Gentlemen of the Bar are much fatigued. This is, also, new Matter which, you wish to have debated; and, of a Consequence that ought not to be passed over, as with Skates. I confess my own Ignorance, in a great Measure, of the Constitution and Interests of our Sister Country of *Ireland*. We want Leisure and Study in a Question of such Importance. If ye can prevail upon Mr. Serjeant to engage in a Cause which ye seem to patronize, I am sensible that your Advocate will be superior to all Opponents, save Truth, alone; and this Day two Months, with your Concurrence, may be appointed for Trial.

I must apprize you, however, that, in the Cause proposed, I cannot so properly take the Lead on this Bench. My Brother, here,
the

the Lord Chief Baron *Interest* will be a much better Judge of such Matters. I will, however, attend him with Pleasure, and wish ye all, a good Night.

Hereupon the Crier broke up the Court, and all retired much satisfied with the Entertainment they had received, during the first Trial; and full of Conjectures with respect to the Issue of the Second.

PART.

P A R T II.

THE fifth Day of last *October* being arrived; the Judges, Lawyers, and Jury, assumed their respective Places, as before; and Counsellor CANDOUR opened the Cause, in the following Words.

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury! Ye are now to acquit or censure the Conduct of Persons whom no Body dared to arraign in their Day. They are no less than her Majesty Queen *Anne*, the last Regent of the *Stuart* Line, her Privy-Council of *England*, and her Privy-Council of *Ireland*, with the Lords and Commons, of that Kingdom, then, in Parliament assembled.

If I shall happen to be over warm in this Cause, as the Gentlemen of the Jury seemed to apprehend, when last we parted; it is not,
O however,

however, in behalf of *Roman-Catholics*, that I shall shew the least Appearance of an unbecoming Zeal. It is in Behalf of his gracious Majesty *George* the Third; in Behalf of the Interests of this his Kingdom of *England*; of the Interest of the present Lords and Commons of *Ireland*, of *Irish* Protestants in particular; and of That my beloved and native Country in general.

On this Trial, my Lords, no Matter of Life or Death depends, all the Parties, accused, are long since deceased; and, indeed, the principal Matter with which we presume to charge them, is that they were not Prophets as well as Legislators; that they did not foresee, or, rather, that they did not, duly, forecast the Evils that might ensue, and that have actually attended several Laws which they enacted in those Days.

Serjeant Statute.

With your Pardon, my Lords, I do not perceive that we can regularly enter upon a Discussion of this Business. There is something so sacred in the consenting Act of the legislative

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tive and executive Authorities of a whole Kingdom, as ought to deter Individuals from the Presumption of Questioning, and, much more, from an Attempt to criminate the Same.

To what dangerous Lengths may Self-sufficiency extend! if every private Caviller shall be permitted to quarrel with the Decrees of his Rulers; and to canvass and arraign, in Point of Justice or good Policy, the joint and solemn Acts of a national Legislature.

Counsellor Candour.

My Lords, I have already, been rebuked, either with or without Reason, for the Warmth of my Friendship to Roman-Catholics. But, I have not imbibed so much of their Principles, as to ascribe Infallibility to any spiritual or temporal Jurisdiction upon Earth. *Humanum est errare.* This is equally the Axiom of Nature and Experience. All Men are fallible alike in the Congregate, as in the Individual. And the Shrewd may err as much, by over-reaching their Aim, as the Ignorant, by falling short or deviating from it.

If I conceive that any Mortal, or Assemblage of Mortals, have erred, or are about to err, in any interesting Concern, can I serve them better, can I oblige them more, than by shewing where that Error may be avoided or reformed? Do not our Parliaments, themselves, expressly acknowledge their own Fallibility, by repealing, and amending, a Multiplicity of Statutes which Experience hath proved to be pernicious or imperfect? Be it known to you, Mr. Serjeant, that I am one of the Constituents of the Parliament of that Kingdom. That I have thereby a Right to advise them, either before or during their Session, of any Measures that I conceive to be of public Concern. And that it is my Privilege, my Interest, and even my Duty to remonstrate, to the Patrons of the national Prosperity of *Ireland*, on any Detriment that hath accrued, and on any Advantage that may accrue to our common Country.

But, my Lords, had the Laws, to which I object, been ever so just and wise at the Time of their being enacted; had they been
machinated

machinated and framed, by an Assembly of *Solons*, of *Cecils*, and of *Pitts*; is that a Reason that they should continue always wholesome and necessary, to the End of Time? In a World where nothing is permanent; where Modes, Manners, and Interests are ever at a Flux; where Life is uncertain, and all it contains changeable; Nature and Reason will conform to Circumstance and Situation, and, where Causes have ceased in any Degree, the Consequences ought to cease in the same Proportion. But, I further demand, wherein or against whom do I trespass, in this Matter? Will his gracious Majesty, or his Councils for either Kingdom, will our honoured Representatives of the People of *Ireland* be offended, by my supposing that they, in their superior Wisdom, are duly qualified for rectifying the Mistakes of their Predecessors?

Lastly, Mr. Serjeant, were your Notion of respectable Infallibility equally applicable to all Monarchs, all Ministers, all Councils, and all Parliaments, in all Ages; can it be

Treason to affirm that a total Change of Times, Occasions, and Exigencies, may make the Continuance of an Expedient absurd and destructive, which originally might have been founded in some Sort of Prudence? No, surely. Permit me, then, Mr. Serjeant, to proceed, wholly untrammelled in the Way of Truth. It is not possible that I should give just Cause of Offence, while I intend Nothing worse than Honour to Station, Prosperity to my native Country in general, Advantage to the Protestants of that Country in particular, and a Relaxation from Grievances to such of her Papists as, in the Issue, shall be found and deemed worthy thereof.

Lord Chief Baron Interest.

You are in the Right, Mr. *Candour*; pray proceed. God forbid that the King, or the Legislature of a free Constitution, should condemn a Man for attempting the Service of his Country.

Counsellor Candour.

I shall not, my Lords, take any Manner of Exception to the Laws, especially called
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the Popery Laws, as being severe or oppressive of *Irish* Papists; but merely, as I apprehend Them injurious to Government; dangerous and detrimental to *Irish* Protestants, and repugnant to the general Interests of the Nation.

BY THE 2d. *Ann.* Sess. 1. Chap. 6.
 “ Every Papist shall be disabled to purchase
 “ either in his own Name, or in the Name
 “ of any Other, or to his Use, or in Trust for
 “ him, any Manors, Lands, Tenements, Here-
 “ ditaments, or any Rents or Profits out of the
 “ same, or any Leases or Terms thereof, other
 “ than any Term of Years not exceeding
 “ thirty one Years, whereon a Rent, not less
 “ than two Thirds of the improved yearly
 “ Value at the Time of making such Lease,
 “ shall be reserved or made payable during
 “ such Term; and all Estates, Terms, or
 “ any other Interests, or Profits whatsoe-
 “ ver, other than such Leases as aforesaid,
 “ purchased by, or for the Use of such Pa-
 “ pist, or upon any Trust or Confidence,
 O 4 “ mediately

“ mediately or immediately, to or for his
 “ Use or Advantage, shall be utterly void.”

Further, by 2d. *Ann.* Sess. 1. Chap. 6.
 Every *Irish* Papist is, effectually, excluded
 from bearing any Office, civil or military, or
 receiving any Salary, Fee, or Wages, be-
 longing to, or by Reason of any Office or
 Place of Trust under the Crown.

By the 8th *Ann.* Chap. 3d. “ No Papist,
 “ or Person in Trust for any Papist, shall be
 “ capable to take, have or receive, any An-
 “ nuity for Life or Term of Years deter-
 “ minable on any Life or Lives, or for any
 “ greater or lesser Estate, any ways charge-
 “ able on, or that may affect any Lands, &c.”

“ All collateral and other Securities by
 “ Mortgages, Judgments, Statutes-Mer-
 “ chant, or of the Staple or otherwise,
 “ which have been, or hereafter shall be made
 “ or entered into, to cover, support or secure
 “ and make good any Bargain, Sale, Confir-
 “ mation, Release, Feoffment, Lease or other
 “ Conveyance, contrary to 2d. *Ann.* Sess. 1.

Chap.

“ Chap. 6. are void to the Purchaser of any
 “ the said Lands or Tenements in Trust for,
 “ or for the Benefit of any Papist, as like-
 “ wise to any such Papist, his Heirs and
 “ Assigns, and all such Lands, &c. so con-
 “ veyed or leased, or to be conveyed or leas-
 “ ed to any Papist, or to the Use of, or in
 “ Trust for any Papist, contrary to the said
 “ Act; and all such collateral Securities as
 “ are or shall be made or entered into, to
 “ cover, support, secure or make good the
 “ same, may be sued for, by any Protestant,
 “ by his proper Action, real, personal or
 “ mixt, founded on this Act, in any of her
 “ Majesty’s Courts of Law or Equity, if the
 “ Nature of the Case shall require it, and
 “ the Plaintiff or Demandant in such Suit,
 “ upon Proof that such Purchase or Lease
 “ was made in Trust for any Papist, or un-
 “ der any Confidence to or for any Papist, or
 “ for his Benefit, by receiving the Rents, Issues
 “ of Profits thereof, or otherwise, shall ob-
 “ tain a Verdict and Judgment, or Decree
 “ thereupon, and shall recover the same, and
 “ have Execution, to be put into the Seizin
 “ and

“ and Possession thereof to hold and enjoy
 “ such Lands, &c. according to the Estate,
 “ Use, Trust, Interest or Confidence which
 “ such Papist had or should have had there-
 “ in, had he been qualified to purchase or
 “ enjoy the same, subject to all such Rents,
 “ Covenants, Conditions, and Reservations,
 “ and all Incumbrances and Portions what-
 “ soever, as the same would have been sub-
 “ ject to in the Hands of such Papist, or in
 “ the Hands of such Person to whom the
 “ same were sold, or leased in Trust for such
 “ Papist, or to his Use or Benefit, and shall
 “ also have the full Benefit of all such col-
 “ lateral Securities as the Party to whom the
 “ same are or shall be made, might have had.”

“ No Papist who is or shall be permitted
 “ to follow any Trade, Craft, or Mystery
 “ (except the hempen or flaxen Manufacture)
 “ shall hereafter take or keep more than two
 “ Apprentices at a Time, and that for no
 “ less a Term of Apprenticeship than seven
 “ Years; any Papist that shall offend there-
 “ in by keeping more than two Apprentices,
 “ or

“ or by taking or keeping Apprentices for a
 “ less Term than seven Years, shall forfeit
 “ 100 *l.* for every such Offence, to be reco-
 “ vered by any Person who shall sue for the
 “ same.”

AS THESE, my Lords, are, principally,
 the Statutes that serve, as I conceive, to
 weaken the Hands of Government, to en-
 danger and impoverish *Irish* Protestants, and
 to obstruct both the manual and landed In-
 terests of *Ireland*; I shall pass over, for the
 present, the many other penal and prohibit-
 ing Laws which, if put in Execution, would
 not suffer a single Papist to breathe, beyond
 the Barrs of a Jail, in *Ireland*.

But though those Laws are still in Force,
 it is long since they have been in Action;
 they hang, like a Sword by a Thread, over
 the Heads of those People, and Papists walk
 under it, in Security and Peace; for, who-
 ever should adventure to cut this Thread
 would become ignominious and detestable in
 the Land.

Wherefore,

Wherefore, without awaking such Laws as have long slept, let us return to the Laws already recited, to the Laws that sleep not, and consider their Consequences, first with Respect to Roman Catholics apart, and secondly with Respect to Government, to Protestants, and to the National Interest.

From the said recited Statutes it is evident, that *Irish* Roman-Catholics are precluded from profitable or durable Tenures in any Lands, or affecting or respecting any Lands, Tenements, or Hereditaments in that Kingdom.

Further, that all such prohibited Tenures, Interests, Uses and Trusts are discoverable, and may be sued for, recovered, and possessed by Protestants, without any Kind of Equivalent, Reimbursement, or Consideration whatsoever, for the Same.

Further, that *Irish* Papists are personally incapacitated from serving the Government, or themselves, by any Trust or Office, whether civil or military, under his Majesty.

And

And further, that, in their several Occupations of personal Craft and Manufacture, they are considerably cramped, by being prohibited from instructing and employing any considerable Number of Hands.

That, consequently, *Irish* Papists are wholly discouraged and, in a great Measure incapacitated from earning a Subsistence, by manual Occupation, or the Culture of Land, and, consequently, from doing any real or personal Service, to their Families, to the Government, or to the Country in which they live.

That, should they be able however, by Means of such limited Industry, to acquire a Sum of Money, they are debarred from realizing or assuring the same, and even from defending it against Robbers, for Want of Arms: And that, considering the many Uses, both real and personal, from which Papists are precluded, it may be difficult to say of what Use they are in *Ireland*.

NOW, my Lords, where so numerous a People, all Natives of the Country and amenable

nable to the Government under which they live, are discouraged, and disabled by those Laws, to which alone they can look for Countenance or Protection; we must, in Reason, suppose that this partial Hardship was appointed and permitted, with a View to some very extensive Advantage; agreeable to the MAXIM, *that a particular Injury is, rather, to be suffered than a general Inconvenience.* And I would gladly learn, from Mr. Serjeant, what those great and extensive Advantages are, of which those Laws have been, or were proposed to be productive.

Serjeant Statute.

MANY, my Lords, and very great, and very extensive, have been the Advantages, that were proposed to accrue, and that have actually accrued, and that still continue to accrue to *Ireland*, from the Acts especially, called the Popery Acts. First, with respect to the Religion there established by Law. Secondly, with Respect to the Safety of the State. And, thirdly, with Respect to the Interest of *Irish* Protestants who ought to be considered,

considered, however few in Number, as the true and constituent Body of the Nation.

At the Time of enacting the said disabling Statutes, we will suppose that four Fifths of the Inhabitants of *Ireland*, were Dissenters from the Religion established by Law, and that three of the said four Fifths were Roman-Catholics.

This, the Governors of *Ireland*, with the Representatives of the Nation then in Parliament assembled, considered as a very disagreeable Circumstance. The Reclaiming of so considerable a Portion of the People from their religious Errors and Prejudices, to a Uniformity of Principles in Church and State, became a most desirable Object of Attention. They were sensible that so great a Reformation could not suddenly be effected. They, however reflected, with Horror, on the many outrageous Wars, Devastations, and civil Feuds that had been nearly perpetuated, from the Reign of the last *Harry* to that Day, by the mere Means of Difference in religious Opinion.

Opinion. They were studious of such Expedients as should prevent the Possibility of the Return of the like Evils. And though they were conscious that so great a Work could not presently be accomplished, they generously wished to procure those Advantages, for Posterity, which they could not hope to see attained in their own Days.

It is, also, obvious to presume that They were Persons of uncommon Piety. They preferred the Interests and Advancement of true Religion, though distant, to temporal Concerns, which they knew to be near, but held to be less important. They conceived that, even, the temporal Interest of their Posterity would finally, be better accomplished by a general Conformity of spiritual Opinions. And they therefore proposed, by adequate Expedients, to gather the *Irish* Flock into one Pale, whereby they might at length become a happy People, united in Principle, Interest, Prosperity and Power.

For this great and beneficent Purpose, they judiciously laid hold of the *two principal*
Springs

Springs of all human Actions, *Pleasure and Pain*, or *Interest and Damage*. On the one Hand, they allured Roman Catholics into the Pale of the Protestant Church, by an Offer of a free and equal Participation of all Benefits and Advantages arising in the State; and, on the other Hand, they deterred them from continuing in the Pale of the Popish Church, by Discouragements, Disabilities, Forfeitures, and Penalties. That, by a Sort of kind Constraint, they might impel an infatuated People to Happiness; and push Them into the Profession and Practise of a Religion, which Reason and future Reflection could not fail to approve.

Having, already, shewn the very important Benefits that are derived, from the said Laws, to the *Protestant Church*; I now, proceed to set forth the further Advantages that are, thereby derived to the *Protestant State of Ireland*.

Mr. Clodworthy Common-Sense.

Mr. Serjeant, we beg your Patience, a-
while. You have so clearly and satisfactori-

P

ly,

ly, demonstrated the Advancement that true Religion must make, by Means of the said Laws, especially called the Popery Laws, that we deem them of sufficient Value to these Kingdoms, without any further Advantage attained, or proposed to be attained thereby. We, therefore, think it unnecessary for you to proceed, till Mr. *Candour* has answered to this Part of your Pleading, if he happens to be furnished with any Matter, or any Appearance of Matter, for that Purpose.

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury. — I am not, perhaps, sufficiently prepared for answering to this Part of Mr. Serjeant's Argument. Indeed I, originally, made no Manner of Objection to the said Laws, with respect to their advancing or retarding true Religion. I merely, and expressly, excepted to them, as I apprehended their Consequences injurious to Government, dangerous and detrimental to *Irish* Protestants, and repugnant to the general Interests of my Country.

I, how-

I, however, imagine that I am furnished with somewhat more, than the Appearance of Matter, for shewing, that the spiritual and religious Advantages, supposed to be procured by the said Laws, are not so well assured, so mighty, or so extensive, as their Advocate has set forth, or as the worthy Gentlemen of the Jury seem inclined to believe.

If the Government and Legislature of those Days did seriously intend, by the said Laws, to promote and extend the Protestant Church; how comes it to pass that the Means were merely *Civil*, whose Influence they made Use of in Matters of *Religion*? why did they appoint the *temporal Weapon*, alone, for the Cutting away of *spiritual Prejudices*?

Had our Ancestors sincerely and piously proposed the Conversion of Dissenters to their own Communion, it would surely have been by shewing, to the World, the superior Rectitude and Purity of the Church established, by Law, in these Kingdoms. To that great

End, they would have enacted and published Laws for discountenancing, and chastising, all Kinds of Vice, Irreligion, and Lewdness; especially among the Members of their own Sect; neither would they have exempted Wealth, Title, or Station, from the Shame and Reproach that ought, legally, to be affixed on the Transgressors of the Laws of their God and the Land. They would have projected a Regulation, and further Provision, of Academies, Schools, and Seminaries, for Instruction and Education, throughout the Land; where, the inculcating of Morality, and the Duties enjoined by *Christ*, might be held, at least, equivalent to the Knowledge of the dead Languages, and of the Whoredoms and Debaucheries of the Heathen Gods. By such an early Provision for the future Morals, Virtue, and Conduct of Protestants, each Member would have stood, as it were, at the Door of his Church, and have attracted all others to approach and to enter; our Religion would have been justly, and inwardly, honoured, even by those who determined to be obstinate in Error; and our State would have received the happy Encrease,

crease, in a perpetual Succession of good Countrymen, fair Traders, loyal Subjects, fearless Soldiers, and honest Men.

Indeed, the comparative Rectitude of any one Religion, in Preference to another, can no otherways be manifested than by preferable Rectitude in the Practice of its Professors. The Word of God, himself, must remain a dead Letter till enlivened by Observance; and the divinest Precepts of our divine Legislator, cannot shine, save by Reflection from the Substance of good Works. Ought the Members of any one Communion to hope, that the Members of another will enter their Pale, while they think they can shew as good Men, and as good Christians, within the Circle of their own? If we stray from the Road of a good Life, is it reasonable to expect that others will follow, merely because we have the Chart of the right Way in our Pockets?

Now, my Lords, Mr. Serjeant has been pleased to affirm, and the Gentlemen of the Jury have been pleased to conceive, that the

saïd Popery Laws were happily and successfully enacted for the Advancement of true Religion ; and, if this is the Case, they must, necessarily have advanced the saïd true Religion, by contributing to the Piety of Those, already, within our Pale; or, by the Introduction of Men of Piety and Integrity into it.

But, my Lords, in the first Case, it cannot be pretended that Laws, merely, appointed to allure or punish those, who are without our Pale, can have any worthy Influence on the Morals, or Christian Principles, of Those who are within.

In the second Case, then, I demand, who are they, among the Papists, of whom these Laws are likeliest to make Converts and Proselytes? Is it they who, agreeable to the Injunctions of CHRIST, are ready to sacrifice all worldly Interests to the Dictates of Conscience and Duty toward their God? No, my Lords, no. The very Reverse. The saïd Laws can be supposed to Influence those alone, who are ready to sacrifice, to their
worldly

worldly Interests the Dictates of Conscience and Duty toward their God. And, indeed, I wonder how a single Papist-Reprobate should continue out of the Protestant Pale, in *Ireland*; considering the many temporal Advantages they might derive from a verbal Recantation of their spiritual Errors.

In all Countries, where there is any Sort of Connection between Religion and Civil Government, the Church which, there, happens to be established by the State will be productive, to its Votaries, of many temporal Advantages which Schismatics and Dissenters ought not to look for. And it is therefore that, generally speaking, in all Countries the People who are, really, of no Religion, are, professedly, of the Religion that is countenanced by the Government.

Hence it happens that there is a greater Appearance of Piety and Zeal among all dissenting Sects, than among the Members of any national Church. But, where, additional to the general Benefits that such Members enjoy, particular Rewards are offered to

Conformists, and particular Penalties denounced against Recufants ; we ought to suppose, that no Person will decline such temporal Advantages, or chuse to undergo such temporal Sufferings, except for the Sake of Conscience, alone. And, what will be the Consequence? Why, the Consequence will be, that all the Flagitious and Profligate, all Persons who are lost to the Sense of God and Futurity, and who deserve exemplary Punishment, will meet with Reward; and that the full and entire Weight, of such Disadvantages and Sufferings, will fall upon those whom nothing, but a Sense of spiritual Duty could tempt to a Change of spiritual Profession ; and who (however erroneous in Matters of Opinion) at least retain the Merit of their Integrity and Virtue.

Indeed, as Matters of Civil Influence are altogether foreign, and opposite in their Nature, to Matters of religious Persuasion ; it is remarkable that all Churches have thriven better, under the Winter of Oppression and Persecution, than under the hottest Summer of temporal Indulgence. Faith, whether
orthodox

orthodox or erroneous, is as the Cloak, in the Fable, which every Man wraps the closer about him, in Proportion as he is attacked by the Severity of the Weather. It is the Light of Reason and the Warmth of Favour, alone, that can prevail upon him to relax or cast it aside.

Is any Man the Master of his own Faith? can he bid himself to be of this or of 'tother Persuasion? He cannot, my Lords; he cannot compel himself to believe this Way or that, much less can he be compelled by any outward Force. Mental Faculties are subject to mental Powers, alone; material Instruments may, more easily, lay hold upon Air; Opinion and Prejudice cannot be influenced, or convinced, or reformed, save by Reason or the Letting in of Truth upon the Soul. Temporal Pleasures, and temporal Pains may terrify, or allure Hypocrites, to the Utterance of Professions that bely their Heart; but, surely, no Rewards ought to be kept in Store for such spiritual Prostitution; neither Punishments, for the Retainers of Conscience

science and Integrity. No Road can be right to the Wretch who takes it against Conviction, and Heaven will find a Home for him who errs in his Honesty.

But further, my Lords. While all other Dissenters, on their taking the legal Test and attending our public Worship, are accounted sufficient Members of the Protestant Church, and are accordingly admitted to all the Benefits of the State; to Papists, alone, the Entrance is made narrow, and difficult, and dishonourable; and, at the same Time, that we bribe them to Conformity, and punish them for Recusancy, we lay a Gulph before them; which None, but the Adventurous, will dare to pass.

By this Gulph, my Lords, I mean that Form of Recantation, which every Papist must repeat, in the Face of God, and of the Congregation, if He, or She, proposes to be legally reputed a Member of our Church and, thereby, to take Hold of the Advantages of our State.

Now,

Now, in this Form of Recantation, They are obliged, expressly and publickly, to avow that they are convinced, by the Blessing of God, of the many Errors and Abuses in the Doctrine and Practice of the Church of *Rome*. That they believe the Doctrine, of *Purgatory*, *Pardons*, *Adoration of Images and Relicks*, and *Invocation of Saints and Angels*, to be repugnant to the Word of God. That public Prayers, and the Ministring the Sacraments, in a *Tongue not understood by the People*, is contrary to Scripture. That *Transubstantiation* overthrows the Nature of a Sacrament. That the *Adoration of the consecrated Elements* is idolatrous. That the holy Scriptures contain all Things necessary to Salvation. And that the Bishop or Pope of *Rome* hath no Supremacy, or ecclesiastical Authority, given him, by *Christ*, over the *Catholic Church*.

My Lords.—In these many Articles which every Convert, from the Popish Religion, is obliged to aver, before God and the World, that he hath thoroughly discussed, and absolutely renounced; in these Articles, I say, are contained almost the whole abstruse and subtile

tile Region of Polemic Divinity; over whose Tracts Few have travelled, and whose Boundaries Fewer have found. The Battle is fought, to this Day, on the narrow Ridge of Distinction, between *Reverence* and *Worship*, *Invocation* and *Adoration*; between the *real* and *symbolical*, the *spiritual* and *corporeal* *Presence* of *Christ* in the Sacrament, &c. &c. But, my Lords, if these are Matters of Controversy among Men who are grown grey amidst Letters and Erudition; are They, also, to become indispensable Matters of Science to the Ignorant and unlettered, to the Yeoman, the Clown, the Cottier, the Day-Labourer? to Wretches who, neither by Education nor Nature, are capacitated for the Investigation, or Idea, of such Subtleties? If they are, my Lords, we may, peremptorily, pronounce, that Ninety-nine, in the Hundred, of all *Irish* Papists, are legally excluded from conforming to our Church; are excluded, I say, by those very Laws, which were so happily framed (as hath been observed) for advancing and extending the Protestant Religion.

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My Lords, I believe, that no Man, here, is insensible of the Difficulty of erasing the Impressions of Infancy, when traced and deepened by the conformable Impressions of Education. Prejudices, in Favour of old Friendships, old Connections, old Attachments, and old Persuasions, are not suddenly, or without Pain, to be rooted up. I have heard it affirmed that the said Laws were, never, the Instrument, or Means, of introducing a single sincere Convert into the Protestant Church. It is certain, that no Papist ever repeated the said Form of Recantation, for whose Conversion some Motive might not be assigned, independent of the mere Dictates of Conscience and Duty. And I appeal to Mr. Serjeant, for his Opinion on this Head, not as an Advocate, but, as a Man of Integrity.

Serjeant Statute.

Mr. *Candour*, I must tell you that your Appeal is ungenerous; it shall, however, be generously and ingenuously answered.

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In Truth, you have set this Affair in a very new and extraordinary Light, and have arranged your Arguments with a Force and Manner, that I was not aware of, and of which I did not think your Matter capable. I shall, therefore, only observe that, though our Catholic-Converts, under such Conditions, may not, at first, be the sincere and zealous Protestants we could wish them, This, however, is a Fault which must daily diminish; we can have nothing to fear from Education, or Prejudice, in their Children, their Grand-Children, and so onward; and thus we shall continue to receive the growing Benefit of the said Laws to the latest Posterity.

Counsellor Candour.

But, pray you now, Mr. Serjeant. If those Laws had opened a wider and less disgraceful Way, for the Entrance of Popish Proselytes into our Pale, do you think that their Number would have been less? Would not the Number of their Children and Grand-Children have been greater; and would not the

the Benefit of such Laws have been, consequently, extended and multiplied to our Posterity? you know it, Mr. Serjeant.

In Fact, my Lords, many Thousands of Popish Converts have entered our Pale, since the first Enacting of the said Laws. But, of those many Thousands, not One in a Hundred, hath entered by the strait Door of the said suspected and public Recantation. They have entered by the Way of our Fleets, of our Armies, and, in much greater Numbers, by the Way of domestic Service in Protestant Families. They have entered zealous Papists, with all their Prejudices about them; but, by repeated Observation, and by occasionally conforming to private or public Worship, They begin to perceive that there is not that Bugbear, in the Morals or Religion of Protestants, which they were taught to believe. Their Antipathies wear away; in Time they begin to approve, and, at last, to prefer.

But, my Lords, the late happy Institution of Charter-Schools, in *Ireland*, hath availed,
above

above all Laws, above all Schemes and Contrivances, for the timely Converting of Popish Infants into pious Christians, sincere Protestants, faithful Subjects, and useful Countrymen. I have seen many Proofs of the laudable Manner, in which those Children of the State have been hitherto educated. Neither do I think that the World can afford equal Seminaries, for giving Infants an early Impression of true Religion, for instructing them in all moral and practical Duties; and for preparing them by various Branches of Industry, to be prosperous and beneficent Members of the Commonwealth.

I am now, my Lords, quite impatient for the Performance of Mr. Serjeant's Promise, that he would proceed to set forth the many Advantages which are derived from the Laws, called the Popery Laws, to the *Protestant State of Ireland*. I am, indeed, curious to learn what can be said, on this Subject. For, though I have the highest Opinion, of the Talents and Ingenuity of Mr. Serjeant,

jeant, I can form no Idea of the *Mercury* which he is to hew out of such a Block.

Serjeant Statute.

My Lords. When the said Laws, called the Popery Laws, were first enacted; the Roman Catholics of *Ireland* were, proportionably, more numerous, and much more powerful than they are, at present. The first Soldier of the World, though lately followed by the bravest Army upon Earth, had found these People extremely formidable, and difficult to be subdued. By their Numbers, as well as Valour, and by their Connection and Alliances, with their Popish Brethren of *France, Spain, &c.* They possibly, had been found, upon a second Trial, superior to all that *Irish* Protestants, though abetted by *England*, could bring against Them. The Impression of the Force and Enmity, of *Irish* Papists, was then recent and strong in the Memory of *Irish* Protestants, and they rightly meditated to suppress a Power, by which they must, otherwise, look to be suppressed.

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But, how was this to be done, my Lords? was it by utter Extirpation? it might favour of Inhumanity to express my own Sentiments or Wishes on the Occasion. Had *old Oliver* lived, but another Year, perhaps a single Papist had not remained in *Ireland*.

When the *Assyrians* conquered the ten Tribes of *Israel*; they did not massacre, or put them to the Sword, in cold Blood; but, they removed them to foreign Lands, where their Name and Memorial is taken from among Men to this Day.

The *Spartans* looked on all the World, as Barbarians, whose Dwellings were beyond the Confines of *Greece*. Yet, when they conquered the *Helots*, they condemned them and their latest Posterity to a State of perpetual Bondage; They made them as Oxen to till the Ground, and, as Beasts of Burden, to carry their Baggage.

Even the People of *Israel*, the Elect of God, though they had made a League of Peace and Alliance with the *Gibeonites*, and
had

had bound themselves, by Oath, to the Observance thereof, yet, thought themselves sufficiently humane and compassionate, when they permitted those very *Gibeonites* to live in the Land, though under the slavish Terms of being *Hewers of Wood*, and *Drawers of Water*, for ever.

But, my Lords, of all the Conquerors, that ever were, our Christian Ancestors, who enacted the said Laws were, surely, the most merciful and the most beneficent. It was incumbent to do something, in Prudence; but they did nothing, in Malice. They found these People, in *Eighty-Eight*, as their Fathers had been, in *Forty-one*, confederated for the Re-establishment of the Popish Superstition, and for the Restoration of their pretended Rights to that Island, whereof the *English* had made a Conquest, above four hundred Years before, and had continued the Seizin to that Day. In short, our Protestant Ancestors saw no End to the Turbulence, and irreconcilable Animosity, of these inveterate Papists; and had they been per-

mitted to retain the Powers and Privileges, with which they had, hitherto, been so injudiciously entrusted, no End could have been found to their Enmity and Insurrections, save in the utter Extirpation of all *Irish* Protestants.

Our gracious Ancestors, however, purposed Nothing, against these their ancient and implacable Enemies, save what was necessary and indispensable, with respect to their own Preservation. They, even, proceeded calmly, and with successive Deliberations, in this necessary Business. They first disarmed them; they, next, set a Watch over their Virulence, and Motions. They further reflected, that these hostile Papists continued formidable, by their Numbers, by their Wealth, and extensive Possessions. They were loth to deprive them of their present Properties; but they deemed it necessary to prevent their further Accession of Power, by any further Accession of durable Property in the Land. And I presume, that Mr. *Candour* has little Cause or Colour to wonder, that a People should not be, readily, admitted

ed to the Communion of our Church, or the Offices of our State, who, from Generation to Generation, for above a Century past, had been the avowed Enemies of the One and of the Other.

Mr. *Candour*. You lately appealed to me for my Opinion, as a Man of Integrity, and not as an Advocate. I now call upon You, in my Turn, Mr *Candour*. And I ask you, do you think that these same *Irish* Papists are to be depended upon with regard to their Friendship for their Protestant Brethren, or with regard to their Attachment to our illustrious House of *Hanover*?

Counsellor Candour.

I will answer you, as a Man of Honour, I think they are not to be depended upon.—
But—

Serjeant Statute.

Your Pardon, Mr. *Candour*, I have not yet done. Our gracious Ancestors, I say, in framing the said Laws, did barely what was necessary for Self-Preservation; and took nothing

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from this People, save the Power of doing Hurt. For had they been permitted to purchase, or acquire any durable Tenures in *Ireland*, their Power must have encreased, from Year to Year, and have been very terrible at this Day.

But, pray, my Lords, what have they to complain of? They live, free, easy, and happy, under the best and most beneficent Government upon Earth. It is not with them, now, as it was before the Days of our most glorious *Elizabeth*, when they were treated as perpetual Rebels and open Enemies to the State. It is not with them, now, as it was in the Days of their own darling *Stuarts*, of *James I.* and *Charles I.* when they were subjected to weekly Fines for Non-Conformity; and when whole Counties were taken from them at a single Sweep. They are fostered by the Constitution, they are protected by the Laws. They are free to exercise, and enrich themselves, by any Craft or Occupation; they are permitted to trade and traffic throughout the Land. If they go to Market,

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ket, they get Value for the Products of their Art, or their Industry; if they labour for Hire, they are paid their Wages; and their Persons and their Properties are held as sacred, and inviolable, throughout the Kingdom, as the Person or Property of any Protestant, therein.

If they are not contented; if nothing less will satisfy them than the Reins of Government, or the Inheritance of the Land; if they are grown fat, like *Jeshurun*, and begin to kick in their Wantonness; why do they not travel? why do they not seek more commodious Habitations? This, as I am told, is what they threaten to do; I would to Heaven they would make their Menaces good; for I shall never be free from Fear and Anxiety for my Protestant Brethren, in that Kingdom, while they harbour, in their Neighbourhood, in their Houses, and in their Bosoms, such dangerous and hateful Inmates.

Counsellor Candour.

My Lords, Gentlemen of the Jury. I am sorry that Mr. Serjeant should seem so diffi-

dent of the Weight of his own Argument, as to think there is Occasion to sharpen it with Acrimony. But, whence, I pray, is his Anthipathy to this poor People? They never offended him, he is wholly a Stranger to them. He is a Stranger, my Lords, and therefore conceives his Averfion; had he known them his Bitternefs and Acrimony would have fubfided, and Affection would take the Place of Malice, in his Breaf; for I am fenfible that Mr. Serjeant has the Virtues of Humanity.

Bating Error, in religious Opinion, which is to themfelves alone, the Roman-Catholics of *Ireland*, are the moft kindly, moft friendly, moft compaffionate, and moft generous, of any People, perhaps, this Day in the Universe. Hofpitality is their Characteriftic, to a Degree that is ridiculed by the Penurious and narrow-hearted; and they have more Affection for their Goffips, and Attachment to their Fofterers, than you *Englifhmen* have to the Brothers of your Blood.

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I confess that I wish them reclaimed. They are, now, happily in the Way of being reclaimed, my Lords; but, I do not wish them banished, because I know not where we could get a People, so peaceful and amenable in their Conduct towards Government, so humble and observant of the Injunctions of their Masters, or so social and affectionate to their Protestant Neighbours, as the Roman-Catholics of *Ireland*.

Mr. Serjeant says, in the Heat and Inconsiderateness of Prejudice, that he would to Heaven They might all seek more commodious Habitations. But, my Lords, when he breathed forth the said charitable Ejaculation, he had not consulted with his Protestant Brethren, of *Ireland*, for whom alone he appears to be anxious and alarmed. Waste and poor as that Island is, in its present Condition, if the Popish Natives, thereof, were to quit the Land, to whom should it look for Service or Labour? Seed-Time and Harvest would equally fail, throughout; and though the said Popery Laws have greatly

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ly discouraged and abridged the Products of the Art and Industry of Papists, yet the Want of what they produce, in Return for their daily and necessary Bread, would bankrupt and beggar that Country, in a single Season.

Mr. Serjeant, Gentlemen, intimates that these People are grown fat, and like *Jeshurun*, kick in their Wantonness. But, they are not fat, my Lords, they are lean and broken-hearted, even as a Steer who lies abroad, upon the windy Heath, without Covering or Forage, throughout a long Winter. Four Fifths of *Irish* Papists taste not Bread, but as a Dainty. Their Habitation is no other than that of a few Sods reared, One upon the Other, in the Space of a few Hours; and happy is that Family who has the Milk of a single Cow to kitchen a frugal Parcel of sodden Potatoes.

Mr. Serjeant, also, intimates that these People are ambitious, and aspire at Government and the Inheritance of the Land; but they are too poor to be proud, and too much
pressed

pressed to be aspiring. They are, indeed, the most humble and most dejected of all the Race of Man. They look not for Rule, neither for extensive Possessions; They barely petition that their Protestant Brethren would open to them an Opportunity for better Service; and that the Government would accept a sure Pledge of their Fealty, by admitting them to make Deposits of the Product of their Labour.

Serjeant Statute.

I beg Pardon, Mr. *Candour*, I cannot help interrupting You. I am truly affected by what you have said of this People! GOD forbid that I should wish to break a Reed, already bruised; or desire to exasperate Power, against a Set of unhappy Men, who are already under the Displeasure and Depression of the Law! If you can make it out that they are aggrieved by the said Acts, 'specially entitled the Popery Acts, beyond what was necessary for the Preservation of Protestants, I will attend to you, without Prejudice, I shall hear you with Pleasure;

Pleasure; and I will be the first to solicit a Repeal or Mitigation of the said Severities.

Counsellor Candour.

I thank you, Sir, I thank you, for myself and for my Clients. But, I am, from henceforth, no longer their Advocate; I care not what becomes of them. I have greater and worthier Objects in View; even the Interests of my glorious and gracious Sovereign GEORGE III. The Interest and Security of his Government in *Ireland*. The Interest and Security of my Protestant Brothers in that Kingdom. And the future Weal and Prosperity of my beloved native Country. All of whom, as I conceive, are aggrieved by the said Laws, even more than those very Papists, against whom they were enacted.

Mr. Serjeant, my Lords, lately wished that this depressed and wretched People would transport themselves to some foreign and distant Land. I do not mention this, to upbraid Mr. Serjeant, who has expressed himself with that Humanity which I always thought his Character: But I mention it to shew

show the Damage and Danger of such an Event, in a Light still more glaring than, hitherto, I have done. In *Ireland* there are three Sorts of People or Powers, That of the Protestants, That of the Puritans, and That of the Papists; and each of them, within, the last Century, in Turns assumed the Seat of Government. The Protestants are thought to be the Fewest in Number, but the Puritans and Papists, in Matters of Civil Policy as well as Principles of Religion, are extremely opposite, and are held in Abomination by Each-other.

Both Puritans and Papists can well brook the temperate Lordship and Regency of Protestants, but neither of them would brook the Lordship of the Other.

Thus the Regency of Protestants is as a middle Link, that holds and conciliates the Puritans and Papists on either Side. Should One of those Powers attempt to disturb the Peace of Government, or to seize the Rein, the Other would certainly join to wrest It from their Hands; and thus Puritans and
Papists,

Papists, from their Aversion to Each-other, become as two Pillars that support and assure the mediate Reign of Protestants and the Weal of the Nation. Did either of them quit the Land the two remaining Powers would be left to unavoidable Discord and Contention. Neither can a Man form a more unfriendly Wish to Protestants than the Banishment of Papists from the Kingdom of *Ireland*.

My Lords, Mr. Serjeant asked me, some Time ago, upon the Word of a Man of Integrity, if I thought that *Irish* Papists were to be depended upon, with regard to their Friendship for their Protestant Brethren, or with regard to their Attachment to our illustrious House of *Hanover*? To this I answered, without Hesitation, that I thought they were not to be depended upon.

May it not appear somewhat extraordinary, that I, who have so long and warmly pleaded the Cause of this People, should pass so precipitate and severe a Censure against them? Permit me to explain myself. Were
any

any People that ever breathed (so circumstanced as these People are) to be depended upon; I think that this very People might be depended upon.

With your good Leave, Mr. Serjeant. Suppose yourself married to a faithful and loving Wife, who happened to be of a different Religion, but who was, otherwise, connected with you in every Article and Obligation of Interest and Affection. Suppose that, upon some Misunderstanding or Quarrel, you should take it into your Head to sue out a Divorce, and thereafter, to keep separate Beds, separate Tables, separate Houses, and separate Interests. Suppose, even, that your Esteem for this Woman still continued; would you, yet, have the same Dependence on her Affection and Attachment to you, as when your mutual Obligations remained in Force?

Serjeant Statute.

I would not, Mr. *Candour*, I should have no Right, in such a Case, to have any kind of Dependence upon her.

Counsellor

Counsellor Candour.

The Case, my Lords, is nearer than merely parallel. The said Popery Laws, by disarming this People, and placing a Guard over their Conduct, tells them, with more than a thousand Tongues, that they are not depended upon. The said Popery Laws, by rejecting them from all civil and military Employment, under Government, tells them, with equal Intelligibility, that they are more than suspected. The said popery Laws, by abridging the Number of Hands, employed in their Manufactures, seem to intimate that we desire not to participate of the Product of their Labours. The said Laws, by refusing them any real Security for their Money, bids them, honourably and openly, to carry their Hearts with their Treasures, elsewhere. And, the said Laws, my Lords, by prohibiting this People from any profitable or durable Tenure in the Land, pronounce the most effectual and durable of all Divorces; They say, as *Sarah* said to *Abraham*, send this *Hagar* and
her

her *Ismael* far from me, for he shall not partake of the Inheritance with *Isaac*.

Had these People, the Affection and Attachment, to Us, of grappling Irons; if We, ourselves, industriously break and cut off every Hold, by which they can possibly be connected; They must, in Consequence, of Necessity they must fall away.

But, as I said, my Lords, it is not the Cause of Roman Catholics that I would plead. It is the Cause of my gracious Sovereign, of his beneficent Government, of my Protestant Brethren, and my native Country of *Ireland*.

It has been the Policy of all Countries, that have any Policy at all, to fence and strengthen the reigning Powers, as much as possible, by the Affections and Powers of all the People over whom they rule.

When it is the Interest of all the People, of any Kingdom, to support the Throne; that Kingdom is in the strongest State that the Nature of Things will admit of. But in Proportion as any Part or Number, of the

R People,

Foreman.

My Lords, we do not need to leave the Box, in order to debate this Business between ourselves; we are already agreed upon our Verdict. But, my Lords, this is a Cause of great Weight to the World, and, it has been so fairly and fully handled, this Day, as to induce us to desire that the Pleadings, on both Sides, should be made public; as well to clear away the Load of historical Rubbish that has lain upon Truth this Century past, as for the Satisfaction and Information of all People; and more especially, for quieting and conciliating those Animosities that have been so long fomented by mutual Misrepresentations.

Such a Publication, my Lords, as we humbly apprehend, would render our Verdict altogether unnecessary; as every Man must then judge, according to the Truth of Facts so very clearly and satisfactorily demonstrated to Mankind.

Lord

Lord Chief Justice.

You must pardon me, Gentlemen; the Court cannot dispense with a Proceeding so contrary to Form and Precedent. We insist upon your Verdict. We, however, approve of the Publication of these Pleadings; as they may serve to acquit you of any Partiality, and, as I trust, to justify your Decision, whatever it may be.

Gentlemen of the Jury — Are you agreed in your Verdict?

All.

Agreed.

Lord Chief Justice.

Were the People, properly called the Roman Catholics of *Ireland*, guilty, or not guilty, of the many horrid Barbarities, during the Troubles of 1641, charged upon them by Lord Clarendon, Sir John Temple, and other Historians?

Foreman.

Not guilty, my Lords.

Lord

Lord Chief Justice,

Are the religious Principles of Roman Catholics consistent or inconsistent, with the Welfare of Civil Government?

Foreman.

Consistent with the Welfare of every Civil Government.

Lord Chief Justice.

Has the present Government of these Kingdoms any Danger to apprehend from the Attachment of *Irish* Catholics to the House of the *Stuarts*?

Foreman.

No Danger to be apprehended, as we humbly conceive, from the fallen House of the *Stuarts*, on any Score whatever.

Lord Chief Justice.

Amen, Gentlemen, so be it, we pray God! — May all *Irish* Papists join with us in wishing that the illustrious House of *Hanover* may continue to reign over these Kingdoms, for ever, in their present Meridian of Glory and Happiness.

Foreman.

Foreman.

We most ardently concur in that Petition to Heaven! And, indeed, every Verdict, upon Earth, ought to close with an *Amen* to a Prayer for the Patrons of the Liberties of Mankind.

But, my Lords, we take leave to remind you, that Mr. *Candour*, in the Close of his Reply to Mr. Serjeant *Statute*, went a Step or two further than he was warranted, as we think, by any previous Charge against this People.

He intimates that some *Irish* Acts of Parliament, respecting Roman Catholics, are indiscreet, in Point of Policy, and severe in Point of Humanity. He does not seem to be satisfied with refuting the several Charges of Mr. Serjeant *Statute*. He himself, in his Turn, becomes the Assailant. He hints at the Cruelty of precluding Fellow-Subjects, Fellow-Christians, and Countrymen, from the common Participation of Earth and Air. He directly charges *Irish* Protestants with Imprudence, and Inhumanity in their Conduct

duct toward *Irish* Papists. And he speaks, broadly enough, of the Suppression of the Prosperity of the Kingdom of *Ireland*, by certain Ligatures which the Laws have put upon the Hands of two Thirds of the whole People.

Any Measures, my Lords, that tend to a Man's Benefit, though at the Cost of his Brother, may be accounted for on the Principles of Self-Interest, or Self-Love. But Measures that apparently tend to our own Ruin, without any Advantage, save that of crushing under us the People whom we hate, such Measures, I say, may possibly be accounted for, on the Principles of Passion, but never on any Principles of common Policy or common Sense.

We cannot, therefore, but apprehend, with all Deference to the Merits of Mr. *Candour*, that his Warmth in the Cause which he undertook, has transported him into Excesses which he cannot coolly warrant. And, if Mr. Serjeant would be so good as to undertake the Defence of *Irish* Protestants,

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on this Head, we should hear him with great Pleasure, if not with some Prejudice in his Favour.

Lord Chief Justice.

Be pleased to reflect, Mr. Foreman, that we really have not Time to call another Cause. The Gentlemen of the Bar are much fatigued. This is, also, new Matter which, you wish to have debated; and, of a Consequence that ought not to be passed over, as with Skates. I confess my own Ignorance, in a great Measure, of the Constitution and Interests of our Sister Country of *Ireland*. We want Leisure and Study in a Question of such Importance. If ye can prevail upon Mr. Serjeant to engage in a Cause which ye seem to patronize, I am sensible that your Advocate will be superior to all Opponents, save Truth, alone; and this Day two Months, with your Concurrence, may be appointed for Trial.

I must apprize you, however, that, in the Cause proposed, I cannot so properly take the Lead on this Bench. My Brother, here,
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the Lord Chief Baron *Interest* will be a much better Judge of such Matters. I will, however, attend him with Pleasure, and wish ye all, a good Night.

Hereupon the Crier broke up the Court, and all retired much satisfied with the Entertainment they had received, during the first Trial; and full of Conjectures with respect to the Issue of the Second.

P A R T.

P A R T II.

THE fifth Day of last *October* being arrived; the Judges, Lawyers, and Jury, assumed their respective Places, as before; and Counsellor CANDOUR opened the Cause, in the following Words.

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury! Ye are now to acquit or censure the Conduct of Persons whom no Body dared to arraign in their Day. They are no less than her Majesty Queen *Anne*, the last Regent of the *Stuart* Line, her Privy-Council of *England*, and her Privy-Council of *Ireland*, with the Lords and Commons, of that Kingdom, then, in Parliament assembled.

If I shall happen to be over warm in this Cause, as the Gentlemen of the Jury seemed to apprehend, when last we parted; it is not,
O however,

however, in behalf of *Roman-Catholics*, that I shall shew the least Appearance of an unbecoming Zeal. It is in Behalf of his gracious Majesty *George* the Third; in Behalf of the Interests of this his Kingdom of *England*; of the Interest of the present Lords and Commons of *Ireland*, of *Irish* Protestants in particular; and of That my beloved and native Country in general.

On this Trial, my Lords, no Matter of Life or Death depends, all the Parties, accused, are long since deceased; and, indeed, the principal Matter with which we presume to charge them, is that they were not Prophets as well as Legislators; that they did not foresee, or, rather, that they did not, duely, forecast the Evils that might ensue, and that have actually attended several Laws which they enacted in those Days.

Serjeant Statute.

With your Pardon, my Lords, I do not perceive that we can regularly enter upon a Discussion of this Business. There is something so sacred in the consenting Act of the legislative

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tive and executive Authorities of a whole Kingdom, as ought to deter Individuals from the Presumption of Questioning, and, much more, from an Attempt to criminate the Same.

To what dangerous Lengths may Self-sufficiency extend! if every private Caviller shall be permitted to quarrel with the Decrees of his Rulers; and to canvass and arraign, in Point of Justice or good Policy, the joint and solemn Acts of a national Legislature.

Counsellor Candour.

My Lords, I have already, been rebuked, either with or without Reason, for the Warmth of my Friendship to Roman-Catholics. But, I have not imbibed so much of their Principles, as to ascribe Infallibility to any spiritual or temporal Jurisdiction upon Earth. *Humanum est errare.* This is equally the Axiom of Nature and Experience. All Men are fallible alike in the Congregate, as in the Individual. And the Shrewd may err as much, by over-reaching their Aim, as the Ignorant, by falling short or deviating from it.

If I conceive that any Mortal, or Assemblage of Mortals, have erred, or are about to err, in any interesting Concern, can I serve them better, can I oblige them more, than by shewing where that Error may be avoided or reformed? Do not our Parliaments, themselves, expressly acknowledge their own Fallibility, by repealing, and amending, a Multiplicity of Statutes which Experience hath proved to be pernicious or imperfect? Be it known to you, Mr. Serjeant, that I am one of the Constituents of the Parliament of that Kingdom. That I have thereby a Right to advise them, either before or during their Session, of any Measures that I conceive to be of public Concern. And that it is my Privilege, my Interest, and even my Duty to remonstrate, to the Patrons of the national Prosperity of *Ireland*, on any Detriment that hath accrued, and on any Advantage that may accrue to our common Country.

But, my Lords, had the Laws, to which I object, been ever so just and wise at the Time of their being enacted; had they been
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machinated and framed, by an Assembly of *Solons*, of *Cecils*, and of *Pitts*; is that a Reason that they should continue always wholesome and necessary, to the End of Time? In a World where nothing is permanent; where Modes, Manners, and Interests are ever at a Flux; where Life is uncertain, and all it contains changeable; Nature and Reason will conform to Circumstance and Situation, and, where Causes have ceased in any Degree, the Consequences ought to cease in the same Proportion. But, I further demand, wherein or against whom do I trespass, in this Matter? Will his gracious Majesty, or his Councils for either Kingdom, will our honoured Representatives of the People of *Ireland* be offended, by my supposing that they, in their superior Wisdom, are duly qualified for rectifying the Mistakes of their Predecessors?

Lastly, Mr. Serjeant, were your Notion of respectable Infallibility equally applicable to all Monarchs, all Ministers, all Councils, and all Parliaments, in all Ages; can it be

Treason to affirm that a total Change of Times, Occasions, and Exigencies, may make the Continuance of an Expedient absurd and destructive, which originally might have been founded in some Sort of Prudence? No, surely. Permit me, then, Mr. Serjeant, to proceed, wholly untrammelled in the Way of Truth. It is not possible that I should give just Cause of Offence, while I intend Nothing worse than Honour to Station, Prosperity to my native Country in general, Advantage to the Protestants of that Country in particular, and a Relaxation from Grievances to such of her Papists as, in the Issue, shall be found and deemed worthy thereof.

Lord Chief Baron Interest.

You are in the Right, Mr. Candour; pray proceed. God forbid that the King, or the Legislature of a free Constitution, should condemn a Man for attempting the Service of his Country.

Counsellor Candour.

I shall not, my Lords, take any Manner of Exception to the Laws, especially called
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the Popery Laws, as being severe or oppressive of *Irish* Papists; but merely, as I apprehend Them injurious to Government; dangerous and detrimental to *Irish* Protestants, and repugnant to the general Interests of the Nation.

BY THE 2d. *Ann.* Sess. 1. Chap. 6.
 “ Every Papist shall be disabled to purchase
 “ either in his own Name, or in the Name
 “ of any Other, or to his Use, or in Trust for
 “ him, any Manors, Lands, Tenements, Here-
 “ ditaments, or any Rents or Profits out of the
 “ same, or any Leases or Terms thereof, other
 “ than any Term of Years not exceeding
 “ thirty one Years, whereon a Rent, not less
 “ than two Thirds of the improved yearly
 “ Value at the Time of making such Lease,
 “ shall be reserved or made payable during
 “ such Term; and all Estates, Terms, or
 “ any other Interests, or Profits whatsoe-
 “ ver, other than such Leases as aforesaid,
 “ purchased by, or for the Use of such Pa-
 “ pist, or upon any Trust or Confidence,
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versally and daily inculcated, by Manuals and Books of Devotion approved by their Church, and printed for the Use of their Families, and the Instruction of their Children, and the Children of their Children, without End. If I can thus prove I say, my Lords, from the invariable Doctrines of the Church of *Rome*, whether taken universally, partially, or individually, that her Principles are wholly the Reverse of Those with which Mr. Serjeant is pleased to charge her; I shall desire to know what Footing, or Foundation, the Universe can afford, upon which his said Charge may be permitted to rest?

Ye have, already, heard the Principles imputed by Mr. Serjeant to the Church of *Rome*. Be pleased, now, to hear the Church of *Rome*, in her Turn; and judge whether it is from Mr. Serjeant, or herself, that ye are to learn her own Opinions; or, how far ye ought to allow an Imputation of Doctrines, which all must teach for themselves, and which no one can teach for another.

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Her Councils, Synods, Assemblies, Academies, Doctors, and the Individuals both of her Clergy and Laity affirm, as is evident by the Testimonies here in my Hand; That *the Pope hath no Authority over the temporal Power or Jurisdiction of Princes. That, neither a Papal Consistory nor even a general Council can absolve Subjects from their Allegiance. That it is impious and damnable in any Man to attempt to depose his Sovereign on account of his being a Heretic or excommunicated for Heresy. That, should the Pope undertake to absolve any People from their Allegiance to their Prince, such Absolution or Dispensation would, in itself, be null and void. That all Catholic Subjects, notwithstanding such Dispensation, are bound in Conscience to defend their King and Country, at the Hazard of their Lives and Fortunes, even against the Pope himself. That the King-killing Doctrine, or Privilege for murdering Princes excommunicated for Heresy, is damnable and heretical, and contrary to the known Laws of God and Nature. That no Power upon Earth can licence any wicked or immoral Action, neither dispense with Lying, Perjury, the Massacre of our Neighbours,*

bours, or the Damage of our native Country, under Pretence of promoting Religion or the Catholic Cause. That all Pardons and Dispensations granted, or pretended to be granted, in order to any such Ends or Designs, can be attended with no other Advantage or Consequence than that of adding Sacrilege and Blasphemy to the Crimes proposed to be licenced. And, that the Doctrine of Equivocation, or mental Reservation, is detestable in its Principles, is wholly contrary to Christian Simplicity and Sincerity, and in its Consequences, is ever sive of Truth, Justice, and common Society.

Now, my Lords, as these are the Principles and Doctrines that have been invariably avowed, professed, and taught, by the Church of Rome, and all her Members, during some Centuries last past; I want to know who it is that has a Right to set up another System in her Name? I want to know what possible Exception, or Doubt, can remain in the Minds of People, respecting this Matter?

There is my Lords, there is one possible Doubt still left. Captious People may question
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tion whether Roman-Catholics are sincere in their Profession of these Principles; and the only remaining Test of that Sincerity, will be to enquire whether their Practices have been conformable to such Professions?

Alas, my Friends! Heaven forbid that ever Protestants should be tried by the same Test.

But, with respect to this same Deposing and King-killing Doctrine. Was the sovereign Prince of *Geneva* deposed and expelled by Papists? no, my Lords, neither *Calvin* nor his Followers, as I take it, were Papists. Was *Sigismund* deposed from *Sweden*; or *Philip* from the *Netherlands*; or *Mary* from the Throne of *Scotland* by Papists? Was the said *Mary*, or her Descendant, *Charles Stuart*, put to Death by Papists? No. All this was done by the Members of the Reformation. But, shall all the Practices of the Reformed be ascribed to the Principles of the Religion that they profess? God forbid.

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On the other Hand; if we put the Sincerity of Roman-Catholics to this Test, by comparing their *Professions* to their general and known *Practice*, regarding Civil-Government; we shall find that they match like a Pair of Indentures, and that the one has been perfectly conformable to the other. Even, in those Countries where a different Religion is established by Law, as in *Sweden, Brandenburg, Hanover, Upper Saxony, Holland, &c.* In every Climate, I say, and under every Constitution, we still find them distinguished for their Amenableness to Authority, and for their Attachment, Fidelity, and Affection to their Rulers.

And now, my Lords, if the good Principles of these People, with respect to Civil-Government, have been professed and asserted, by themselves and their Church, during many Generations. If these *good Principles* have been, further, attested and approved by their *Practice*, in all Countries, and under all Constitutions; I request to be informed of
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any possible Doubt in a Case where every possible Proof is exhibited.

Lord Chief Justice.

Mr. Serjeant *Statute*, Have you any Thing in Reply to what has been argued on the other Side?

Serjeant Statute.

If your Lordships, and you, Gentlemen of the Jury, shall think a People deserving of public Confidence who, notwithstanding what has been argued, in excuse of other Principles, are professedly Idolaters, Worshipers of Gods of PASTE, of Relicks, and Image-Trumpery, with Legions of Saints and Saintrels, and so forth; I shall proceed to fresh Matter.

Counsellor Candour.

It is, my Lords, an uncontroverted Maxim, in Politics, that States have no Jurisdiction over Matters of Opinion that do not interfere with the Weal of the State. Thus, if two Men quarrel, and one of them assaults and maims the other, on a Dispute about the Derivation of a *Greek* Word, or concerning

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the Entablature of the Pillars of the *Jewish* Tabernacle, the State should certainly take Cognizance of the offending Party, without regard to the Propriety or Impropropriety of his Opinion, with which the Public has no Manner of Concern.

The only Use of Religion to Civil Government is, by making good Men, to make good Subjects. And, in a State or Community, all Religions are tolerable whose Opinions are not chargeable with *political Immorality*, or, that do not make *bad Subjects* by making *bad Men*.

Now, if the Gentleman can shew that these erroneous Opinions, which, by the Bye, are denied by the Church of *Rome*, are chargeable, as I say, with political Immorality; if he can shew that They are productive of Treasons, Murders, Robberies, Seditions, or the Like, he will touch upon Something that may tend to his Purpose.

Serjeant Statute.

I always thought, my Lords, that Immorality consisted in the Deviation from Truth.

Counsellor

Counsellor Candour.

No, my Lords, there are many Millions of Truths, in Mechanics, Mathematics, in Physics, and even in Ethics, the Negation of which cannot possibly be charged with any evil Tendency or Effect. *Moral Evil* consists in *Malevolence* alone; and those Sentiments or Opinions, that tend thereto, or are Consequences thereof, are Criminals and Aggressors against Society.

But, my Lords, speculative Errors or Ignorance may, in certain Cases, be more than politically innocent, they may be politically useful. Auricular Confessions, Purgatories, Fasts, and Penances, are to the Members of the Church of *Rome*, what Discipline is in the military Department, they preserve Roman Catholics in the familiar Use and Practice of daily Obedience; and this Habit of Respect and Submission to ecclesiastical Discipline is, not unnaturally, attended with Respect and Submission to the secular Powers. Thus, the Obedience of these People to the Authority of their Church is an Earnest of

their Obedience to the Authority of all States, whether Heathen or Christian, under which they live. We cannot, indeed, boast of their being Sticklers for popular Rights, or Champions for Liberty ; but we can truly affirm that they are the most loyal and amenable of all Subjects, under the Sun.

Lord Chief Justice.

Gentlemen of the Jury,—with your Leave, and that of the Gentlemen of the Bar, I will now proceed to my Charge, in the simplest and succinctest Manner I can.

Serjeant Statute.

I must, yet, entreat your Patience, my good Lord Chief Justice.

Although all other Catholics, throughout the Universe, were to be accounted loyal, peaceful, and amenable to Government, as well upon Principles of Religion as of civil Policy ; yet the Catholics of *Ireland*, can never prove loyal to the royal House of *Hanover*, or to any other princely Succession, so long

long as an Individual of the unfortunate and infatuated House of the *Stuarts* shall remain.

Mr. *Candour*, himself, has been exceeding honest and ample on this Head. He has shewn us that *Irish-Catholics*, notwithstanding their temporal and spiritual Grievances under *James* and *Charles* I. and notwithstanding their Rejection of a Puritannical or Republican Government, still continued inviolably attached to the Persons of the said Kings; as they did, also, to the Persons of *Charles* and *James* II. and to the last Regent of that inauspicious Line.

It should seem indeed, by the History of their Behaviour under the whole Race of the *Stuarts*, that these People are of a Species, like Spaniels, whose Obedience and Fondness encreases in Proportion to the Lashes that are inflicted by their tyrannical Masters. Their Loyalty appears to partake of the Propensity of the Bull-Dog, who will not quit his Hold, though rent Limb from Limb.

What Prospect, then, what Expectation can we reasonably form, that *Irish-Catholics*

will be induced to bear any cordial Fealty to our present illustrious House, while a Twig of their anciently beloved Stem shall subsist? We may as well hope to sever Attraction from Matter, as to tear, from the Breasts of this People, their Inclination and Attachment to the *Stuart Line*. Thither their Looks, their Desires, and Expectations will tend, to the Last; as some benighted Mariner looks to the Polar Star, whereby he hopes to steer to a Haven of final Safety,

Counsellor Candour.

I now begin, my Lords, to perceive the great Advantage of Oratory; and almost to think it a Match, in Controversy, against Truth and a good Cause.

Mr. Serjeant, undoubtedly, conscious that he could assign no rational Motive for the Attachment of *Irish-Catholics*, to that ancient House of the *Stuarts*, artfully describes this chimerical Attachment, as irrational; and, thereby, avoids the Necessity of assigning any Motive or Cause for the Same.

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I, however, acknowledge that he plentifully supplies all Deficiency of Reason with positive Affirmations, that the Fact is so. He, himself, appears so fully persuaded thereof; and he has rendered his Affirmations so feasible and pleasing, by a Number of illustrating and agreeable Images, that we are almost compelled, against our better Knowledge, to fall in with his Opinion.

Mr. Serjeant, among other Things, takes Notice that *Irish-Catholics* rejected a puritanical or republican Government. But is it to be wondered that a People should do so, who, through a Succession of above ten Centuries, had been invariably attached to Monarchy and Episcopacy?

He tells us of the Weight, of the many temporal and spiritual Grievances, under which this People laboured, during the several successive Regencies of the *Stuart* Family. If he finds any consequent Groanings, Repugnancies, and Remonstrancies; he yet finds, on the Part of *Irish Catholics*, no Intention of any direct Opposition or Rebelli-

on against the Persons established, by Law, on the Throne. This he admires, he is amazed at it, he knows not how to account for it. *Passive Obedience* and *Non-Resistance* came into his Head; and he compares this People to Spaniels whose Fondness is encreased by the Lashes and Inflictions of their inhuman Masters.

If it were any way pertinent to the Cause I have in Hand, to justify the Amenableness of *Irish Catholics*, at such Seasons, I would ask Mr. Serjeant, what ought they to have done? Had they actually rose in Rebellion, had they dethroned one or more of the said oppressive Princes, whom had they to substitute in the Place of the Deposed?

It is true that they continued obedient to *James I.* to *Charles I.* to *Charles II.* and to *James II.* as they, afterward, did to *William III.* to *Queen Anne*, and, with much better Reason, to *George I.* and the *II.* whom they acknowledge of humane and illustrious Memory. But, my Lords, does their Submission to the said *Stuarts*, by whose Tyranny
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they were galled, imply that they had no Feeling nor Resentment of their Wrongs? Is it further to be inferred that they became the more attached by the Greatness of their Losses, and the more enamoured of this House by the Severity of their Sufferings?

I will shew Ye, my Lords, that this was unnatural, impossible. I will shew Ye that this inauspicious Race, were inauspicious, above all others, to the Catholics of *Ireland*. That their Hardships commenced under the *First* of the *Stuarts*. That their Sufferings encreased under the *Second*, *Third*, and *Fourth*. And that their Ruin was compleated by the *Fifth* and last of that Name. And that it is not possible for this People to remember their Undoing, without remembering the Hostility of those who brought it about.

On the Accession of *James I.* to the Throne of *England*, *Irish* Catholics, as I once before observed, were seized of most of the Lands in that Kingdom. This first *Stuart* was, then, the first Invader of these their Properties, and, under the Finesse of Law, deprived them

them of more Lands than all the *English* Adventurers had been able to lay hold of, by War and strong Hand, during ten preceding Regencies.

Charles I. shewed his Approbation of the Measures of his honest Ancestor, by vigorously running the same Course. *Ireland* saw no End of Inquisitions and Seizures. Many private and Parliamentary Remonstrances were made, against these warranted Plunders and legal Iniquities. The King, teized or, possibly, shamed into a Stop of such Abuses, had promised the Proprietors Redress and Restoration. His Deputy *Strafford*, however, secretly dissuaded him from such rash and indiscreet Retributions; and promised to take the whole Blame of the Knavery upon himself. The King, as secretly, thanked him for this seasonable Saving of his escheated Lands and Honour; and though, afterwards, in the Time of his own Distress, his Majesty professed his Repentance of those Injuries to others, and accordingly transmitted his Acts, of Limitation and Relinquishment, by the Committee

mittee of the *Irish* Parliament; yet the Government found Means to defeat the said Acts; and the King's said Graces *became null and void*, and his said Usurpations *remained in full Force and Virtue of Law*.

During the Authority of the Parliamentary Government, as also during the Regency of *Cromwel*, many further Seizures were made of the Estates of *Irish-Catholics*, as well under Colour of the Defection of *Forty-one*, as on Account of the Services which the *Irish* had rendered, in *Scotland*, to King *Charles I.* and to King *Charles II.* against the *English* Parliament, and more particularly against the *Scotch* Rebels, whom they defeated in a Number of desperate Engagements. The *Irish*, however, fondly assured themselves of the Restoration of these their Estates on the Restoration of the Throne to that Family, in whose Behalf they had lost their Blood and their Fortunes. But, how cruelly were their Hopes defeated! This second of the Name of *Charles*, and Third of the *Stuart* Line, no way degenerating from the Severity of his two Ancestors toward *Irish* Catholics,

and,

desirous of conciliating his formidable Enemies, at the Expence and by the Sacrifice of his invariable Friends, transferred, and confirmed, into hostile Hands, the Properties and Estates that had been holden by his Defenders; he received to his Bosom the Partizans of the late Usurper; he ensured to the *London Merchants* more than a threefold Equivalent of Lands in *Ireland* for the Money which they had advanced to carry on the War against his Father *Charles I.* and he consented to a special Exception of *Irish Catholics* from the general Act of Indemnity which passed in Favour of all others, respecting the late Times of mutual Turbulence and Offence.

Serjeant Statute.

My Lords, if I do not forget, *Charles II.* made a special Reservation in favour of a Number of the *Irish Gentry*, who had accompanied him, during his Exile, or had been, otherwise, personally attached to himself and his Father, and expressly provided that an Equivalent should be given Them, in

in lieu of those Estates which they had forfeited in Consequence of their adhering to the Crown.

Counsellor Candour.

Such a nominal Provision, indeed, was appointed, and conditioned to be carried into Effect, whenever the proposed Equivalent should be found: and this proved, exactly, as honest and as profitable, as enfeoffing them with like Territories, in the World of the Moon, provided they were so tall, or so ingenious, as to reach them.

Ye have now, my Lords, had a Detail of all the Favours and Benefits which ought to have attached the Gratitude, of the *Roman Catholics of Ireland*, to the Descendents of the three First of the *Stuart* Family. Let us see if they prospered better by the Generosity of their Successors?

They, now, found themselves deprived of most of the Lands which they possessed, on the Accession of the first *Stuart* to the Throne of *England*. A Remnant, however,
was

was still left to those, who had sided with the Common-wealth, or who, by a prudent Neutrality, or by Minorship, or other Accidents, were preserved from any Impeachment or Colour of Defection.

But, here again, comes *James II.* the fourth of that friendly House, to take away, at one Sweep, whatever had, inadvertently, been left by his Predecessors. His personal Appearance, with the Government and Constitution, as they imagined, on his Side, were tempting Baits to seduce them from their better Interests; but his Promise of re-establishing the Religion of their Fore-fathers, and of restoring them to the Possession of all their lapsed Estates, overbore all Hesitation, and *Irish Catholics*, to a Man, embraced his Cause.

So great was the Folly and Superstition of those Days, that many even of the Protestants, against Interest and Common-Sense, sided also with this Enemy of their Rights and their Religion. They had not, it seems, reconciled themselves to King *James's*, invol-
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untary Abdication of the Throne, a most futile and needless Apology for rejecting him ; when he first ABDICATED THE CONSTITUTION, he, then, ABDICATED THE THRONE, and by the most effectual of all possible Releases, discharged every Subject in the three Kingdoms from their Allegiance.

In the mean while, all the Advantage that the *Irish* received from this Phœnomenon of the *Stuart* House, that appeared so wonderfully to rise and blaze forth in their Favour, was, that He subjected them to the Forfeiture of all the little Property which his Predecessors had left them ; that he paid their *true Courage* with *false Money* ; and that he abandoned their Persons to the Defence of his own Cause, though he himself, in Person, did not dare to avow it.

Happy for this poor People, the Conqueror of *James II.* was not of the *Stuart* Race, and was, still, a greater Alien to their Policy and Disposition, than he was to their Blood. *William* pitied both the Civil and Religious Prejudices of *Irish Catholics*. He beheld them

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as Enemies no longer than he beheld them with the Sword in their Hand. He restored to them the Properties and constitutional Privileges, of which they had been in Possession, at the Time of their opposing his Accession to the Throne. And, though he could not restore to them those vast Territories which they had lost, by Means of the *Stuarts*, He yet left them the free Privilege of acquiring an Equivalent, whenever they should be enabled, by the Products of their Industry, to purchase the Same.

Unhappily for this People, as also for other Purposes of infinite Import, the Reign of this Monarch was but of short Duration. To him succeeded Queen *Anne*, the last of the *Stuart* Line, and, with one Stroke, gave the *Coup de Grace*, or finishing Blow, to all the Misfortunes and Expectations of Roman Catholics in *Ireland*. Her Ancestors had barely deprived them of those Inheritances, of which they were in immediate Possession; but *Anne* took due Care, and made effectual Provision that neither they, nor their Posterity

rity, should ever inherit a Foot of Land in that Kingdom.

It is not, here, my Business to dwell upon the Grievances of the many limiting, prohibitory, and penal Laws, that were enacted during the Reign of that Princess. Be it sufficient to observe, from the Beginning to the End, that the History of *Irish Catholics* and of the House of the *Stuarts*, seems to consist of little else than Severities on the one Part, and Sufferings on the other.

Here, my Lords, we have seen Provocations without Measure, and Oppressions, whereof we can see no End, heaped successively by every Branch of the *Stuart* Family, upon this People; Provocations more than enough to keep alive their Resentments against the Memory and latest Descendents, of that hostile House, by whom they and their Descendents have suffered, and still suffer, and may continue to suffer till Time shall be no more.

Here, my Lords, I say, we have seen every possible Motive for Rejection, Disgust,

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and Hatred irreconcilable ; but no one Motive, in Nature, for Affection or Attachment, to the Holding of a Hair. But Mr. Serjeant, perhaps, may now have changed his Sentiments, with respect to the religious Principles of *Roman Catholics* ; he may tell us that they have remitted the Offences of the *Stuarts*, through a Sense of *Christian Charity*. If, indeed, they can pardon Injuries, so irreparable and so lasting, they are, unquestionably, the most forgiving of all Christians. And, if they, indeed, continued attached to such ancient and inveterate Enemies, what would they have been to Friends, to Princes who had treated them with Lenity and Goodness ?

But, my Lords, should we suppose, with Mr. Serjeant, that this pretended Attachment, of *Irish Catholics* to the *Stuarts*, was somewhat more than imaginary ; what then ? Had it been formed of Links of Steel, it could not have endured to the present Generation. Time ceaseth not, from Day to Day, and Hour to Hour, to expunge, to wear, and erase all Impressions and Traces of former Interests

Interests and Regards. To Day we are in Despair for the Loss of Parents, of Children, of some beloved Wife, or of Husbands dear to Matrons who were not *Ephesians*: To-morrow and to-morrow, the Violence of our Affliction begins to subside; every Week and Month brings additional Lenitives; next Year we become easy, the next Year we become chearful; and at last we find what, at first, we could not suppose possible, that the *Affections*, as well as the *Fashions* of this World, pass and vanish away.

It is now seventy Years, and several Generations have decayed and succeeded, since any *Irish Catholic* lifted a Hand in Aid or Comfort of a Descendent of the *Stuarts*: Even, during three Rebellions in *Scotland*; all was quiet among the *Irish*; no Commotion or Cry was heard in their Streets; no Voice of Disaffection, to Government, or to that Family from whom the Throne derives its present Lustre.

But, my Lords, where is this House of the *Stuarts*, to which the *Roman Catholics* of

Ireland are said to be so attached? What are their Powers, their Expectations, their Connections, their Family Alliances? Where, I say, is the Warmth and Lustre, of this same *Polar Star*, whereby our *Irish Catholics*, as Mr. Serjeant alledges, *look to steer into a Haven of final Safety*? All dark and extinct, not a single Ray remains to attract or direct an Eye to the Place of their Existence. Such Things and Persons have been; but no Part of the known World, now, yields us any Tidings or Intelligence concerning Them.

My Lords, I would humbly propose a Question which every Man, who hears me, may answer to himself. If, while the House of the *Stuarts* stood, *Irish Catholics* were invariably and inviolably attached to It; ought such Fidelity and Affection to their former hostile Masters, ought such a virtuous Propensity to make them any way obnoxious to their present benign Rulers?

A certain Duke of *Orleans* raised Commotions in the State against his Kinsman, then King of *France*; but all his Measures were
watched,

watched, and defeated, by some Persons who were inviolably attached to the Crown. Upon the Death of the Monarch, this same Duke ascended the Throne. His Courtiers thronged about him. They called out for speedy Vengeance on his late implacable Enemies. But his Majesty turning toward them, with a Smile and a Nod; hush, hush, said he, whisperingly; *They are the very best Friends I have upon Earth; for those who were faithful against me while I was Duke of Orleans, will be the faithfullest to me, now that I am King of France.* It is *Duty*, and not *Person*, to which they stand attached.

In truth, no People in these Dominions, no People in the Universe, can give surer Demonstrations, of their Obedience to Government, or Fealty to the reigning Powers, than *Irish Catholics* have given of their Amenableness to our Civil Establishment, for these seventy Years past, and of their Loyalty to the House of *Hanover*, since their first Investiture with the Crown of these Kingdoms.

It is true that the *Roman Catholics* of the Kingdom of *Ireland*, cannot comply with the Act of *Uniformity*, neither take the Oath of *Supremacy*, for these are contrary to their Conscience. But they are desirous of taking the firmest Oath, of true Faith and Allegiance to the gracious Person and Government of his Majesty *George* the Third; that is required from the *Papists*, of any other Nation, to any other Government throughout the Earth.

Let us no longer, then, be deceived, let us no longer deceive ourselves, *with an old Woman's Fable of the Massacres of Forty-one; with a groundless Imputation of infernal Principles, or with an idle Supposition of this People's Fondness for a Race of Princes* whom, of all created Beings, they have a Right to detest. Let us no longer, I say, deceive ourselves with such chimerical Apprehensions; as tho' the Throne of the reigning Majesty were endangered by *Irish Catholics*, or that Protestants could not live with them in good Fellowship or Security. Such Notions are as
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everfive of Truth and our own Charity, as they are injurious to those our inoffensive Countrymen and Fellow Christians.

If *Irish Catholics* have been nursed in Ignorance, or bred up to some Errors, that we have reformed; this is greatly their Misfortune, but no way the Fault of their Nature, or of their Will. Shall we then prohibit them from their Portion of Comfort upon *Earth*, because we think ourselves in a fairer Way of attaining Happiness in *Heaven*? Be it sufficient, for the Security of our King and Constitution, and for quieting the Jealousies of their Protestant Brethren, that their Religion preacheth Peace, active Obedience, and passive Submission to all Civil Establishments, under which they shall happen to live; and that their Conduct hath been proved, invariably, conformable to the said Precepts, from Generation to Generation, beyond the Memory of Man.

But, my Lords, I have heard quest i
ed, by Men of Discernment, whether many of our *Irish* Protestants have in fact the Jea-

lousies, that they pretend, of the Principles
 or Propensities of *Irish* Catholics. People of
 selfish Hearts, and narrow Understandings,
 are apt to conceive that any Accession, to the
 Fortune of a Neighbour, is a lessening and
 Abridgement of their own Possessions. Ig-
 norance looks upon Lands, however waste
 and uncultivated, as the Wealth of a Nati-
 on; and Avarice desires to engross the said
 Wealth to itself, though incapable of encreas-
 ing or using the same. Hence, many *Irish*
 Protestants are studious to contrive, and to
 foment Fears and Jealousies, to the Preju-
 dice of their Popish Brethren, in order to pre-
 clude them, for ever, from any Portion of
 Property or Prosperity in their common
 Country. They ignorantly imagine that the
 Possession of that desolated Island, is as a
 Feast where, if few Guests participate, there
 will be the better Cheer. But, such a nati-
 onal Feast, as ye well know, my Lords, re-
 quires many Hands to prepare and to serve it
 up; and what Sort of Fare ought we to get
 or expect, where we tie up the Hands and
 starve the Mouths of our Caterers.

This,

This, my Lords, hath been done, in Effect, by the many limiting Clauses and Exclusions, of our Popery Laws, in *Ireland*. We have, by Discouragements amounting to an absolute Prohibition, precluded, nearly, two Thirds of the Natives of that Kingdom, from contributing to the Prosperity of the remaining Inhabitants; and, by suppressing the Industry of the greater Part, we have effected the impoverishment of the whole of the Nation.

The Number of the People, my Lords, hath ever been accounted the Wealth of every Republic; because Number supplies Hands; and because those Hands supply Industry; and because Industry supplies those Products that can alone constitute the Wealth and Prosperity of Man: But if any Republic shall, preposterously, tie up the Hands, or discourage the Industry of its Constituents; the Number of Hands, that makes the Blessing and the Wealth of all other Republics, becomes the Curse and the Poverty of such an infatuated People; and the Compilers

pillers and Abettors, of such perverse Laws, find their Punishment in their Participation of the general Calamity.

Let us then unmuzzle the Oxen by whom, alone, we can propose to till the Land or to tread the Grain. Let us do more than relax the Hands by whose Industry we wish to prosper; let us encourage, let us incite them to labour for us, by admitting them to a Share of the Product of their own Toils. Let us suffer this poor People to eat the Bread of the Land, and, in return they will furnish our Tables with Dainties. Let us bind them to us by their Interest. Let us take a Pledge of them by their Property. And let us turn the Wastes of *Ireland* into Scenes of Plenty and Prosperity, by making it the Advantage of *Irish Catholics* to reclaim and cultivate the same.

Lord Chief Justice.

GENTLEMEN OF THE JURY. This Tryal has been long, but that Length was unavoidable. Great Difference is to be allowed, between the Tryal of a single Man,
and

and that of a whole Nation ; and still more, where the Transactions and Interests, of that Nation, are carried backward, through past Ages, and forward into Futurity. Various Histories of Times past, Presumptions of Times to come, with all Causes and natural Consequences, any way relative to such Concerns, ought to be brought into Debate and impartial Consideration.

The Gentlemen of the Bar have, with equal Ingenuity, selected and digested whatever was material to their respective Pleas, and have argued with equal Perspicuity and Eloquence.

Indeed the Council, for the Crown, has been much more concise than the Council for the Accused. But, in all Cases, it takes more Time and Terms, to answer and to solve Ænigmas and Exceptions, than to propose them.

In recapitulating what has been said, I shall, purposely drop all Matters of Invective, and Figures of Oratory; I shall only touch

touch what I conceive to be the Merits of the Cause on either Part.

Mr. Serjeant *Statute*, in his Plea against the Roman Catholics of *Ireland*, first charges, That during the Reigns of *James and Charles I.* those People enjoyed all spiritual and temporal Privileges equal with Protestants whose Religion was established by Law. And he further supports this Charge by the Testimony of Lord *Clarendon*, an Author, to this Day, in great Repute.

This was a very material Part of Mr. Serjeant's Plea; for, had the Case been so, it would have argued and aggravated the great Wickedness, as well as Folly of *Irish* Catholics, to rise against Government when they had nothing to complain of, nothing to redress.

To this Mr. *Candour*, Council for the Accused, answers, that the Fact was wholly the Reverse of what Mr. Serjeant represented; and that the spiritual and temporal Grievances of *Irish* Catholics, continued and encreased, throughout the said two Reigns.

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In Contrast to the Testimony of Lord *Clarendon*, with respect to Spirituals, he produces many public and notorious Instances, where the Act of *Uniformity* was enforced with much Rigour; where the Exercise of the Popish Rites and Ceremonies were prohibited; and where those People were enjoined under heavy Fines and Penalties, to conform to a Religion that was contrary to their Conscience; a Matter which would have been as wicked in the Practice, as it was severe in the Appointment. For he who doeth *Good*, against Conscience, doeth *guiltily*.

Again to invalidate the Testimony of the said noble Author, with respect to Temporals; Mr. *Candour* produces such a Multiplicity of unquestionable Authorities, that it is wonderful how any Historian should have overlooked them.

He shews us that, early, in the Reign of *James I.* a civil Inquisition was appointed, in *Ireland*, for examining the Titles that People had to their Estates.

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I must here observe to ye, Gentlemen, that from the Conduct and Intention, of this Inquisition, it does not appear that any Fault or legal Forfeiture, on the Part of the Proprietors, was either pretended or required, in order to the divesting them of their Estates; if they could not produce and prove some grant from the Crown, or other Equivalent Conveyance, these Estates were, then, to revert or escheat to his Majesty; on the original Title, as we may suppose, of the Grant of the Kingdom, to King *Henry*, by Pope *Adrian*. Thus, the longer these Tenures had continued in Families, the more they were in Danger of Forfeiture or Reversion, through the Likelihood that the Title Deeds had perished by Time or Accident.

This Inquisition, however, was prosecuted with equal Injustice and Application, during the whole Reign of *James*, and to the latter End of the Reign of *Charles I.* and that in so shameless a Manner, particularly by Lord *Wentworth*, as casts back Infamy on the Council, Judges, and Inquisitors, and all who were Parties to the same.

There

There can be no Question, Gentlemen, of Facts equally attested, by the vast Territories found for the Crown under the said Inquisition, by the Remonstrances of Parliament on the said Grievances, by his Majesty's Promise of Redress and Relinquishment, and by his transmitting two Acts to the Commons of *Ireland* for that Purpose: And, indeed, Mr. Serjeant seems so conscious of Mr. *Candour's* having refuted this Part of his Plea, that he silently acquiesces in a Procedure to new Matter.

Mr. Serjeant had further charged that, on the 23d of *October*, 1641, a universal Conspiracy and Insurrection of the Roman Catholics broke out through all *Ireland*. That forty or fifty thousand Protestants were massacred before they had Notice or Time to avoid the Danger. And that one hundred and fifty thousand were butchered, in cold Blood, during the two first Months of this Rebellion.

In Proof of the two first Articles of this heavy Charge, Mr. Serjeant quotes the express

press Affirmation of Lord *Clarendon*: And, in Proof of the last Article, he quotes the express Affirmation of Sir *John Temple*.

On the other Hand, the Council for the Accused sets these two illustrious Witnesses at Variance with each other; and shews that Sir *John Temple*, in direct Contradiction to Lord *Clarendon*, affirms that the *Irish*, at the first, did not murder many *English*; but certainly, says he, that, which these Rebels mainly intended and busied themselves about, was the Driving away *Englishmen's* Cattle and possessing themselves of their Goods.

Having, thus far, weakened the Authority of one or both of these Historians; Mr. *Candour* continues gradually to remove the Weight of this whole Charge, by the Testimonies of a Proclamation of the Lords Justices, *Parsons* and *Borlase*, recited by Sir *John Temple* himself. By Extracts from the Journal of the House of Lords here in *England*. By a Letter from Lord *Clanricarde* to the Earl of *Bristol*. By a Letter from the said Lords Justices to the Lord Lieutenant, then

then in *England*. By another Letter from the said Lords Justices to the said Lord Lieutenant. And by a special Commission of the said Lords Justices, dated *December 23d, 1641*, precisely two Months from the Day of the Infurrection, and directed to several Magistrates, in the Province of *Ulster*, &c. to enquire into the Damages done by *Irish* Catholics. All which concurring Testimonies serve to persuade us that the Infurrection was very far from being general, either on the first Day, or in the two first Months of said Rebellion, and that not the hundredth Protestant, affirmed to have been massacred, can be supposed to have perished within that Time.

Mr. Serjeant, hereupon, appears amazed that so many Authorities could have been brought together, for the Overthrow of the Credit of his two historical Pillars, so long and so well established in the Opinions of Mankind. He cannot consent that either *Clarendon* or *Temple* should be thought guilty of false Evidence; he therefore imputes the

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Error

Error of the *First* to some Interpolation, and the Error of the *Latter* to the Carelessness of Printers, who had inadvertently substituted the Word *Months* for *Years*.

Gentlemen of the Jury. In my present Charge, I have chosen to follow that natural Order, in which the Merits of both Pleadings arose to my own Mind, rather than the precise Order in which they were argued. I should, otherwise, have informed you, before now, that Mr. Serjeant, growing warm on some little Matter of triumphant Merri-ment in his Opponent, crys out, we may, shortly expect to be told that there never was such a Thing as the Infurrection of Forty-One. This Gentleman may even except to the Depositions taken of the many bloody Butcheries committed at that Time; Depositions that have stood the Test of all Time and Enquiry these hundred Years and upward.

To this Mr. *Candour* very coolly answers, that he does peremptorily except to those very Depositions. That all of them were
taken

taken by Persons, who were the prejudiced and avowed Enemies of the People whom they proposed to criminate thereby. That some of them might be presumed the Depositions of those who took them, rather than of those who signed them, who could neither write nor read, and who, consequently were ignorant of the Contents to which they put their Firm. That most of them were taken from Persons just escaped from the Enemy, and were dictated, not by Facts, but by the Fears of the Deponents; that they actually believed all to be massacred whom they left behind, a natural Effect of their Pannic, while each Deponent arrived terrified, like the Messengers to *Job*, and cried, *I only am left to tell the Tale*. Lastly, Mr. *Candour* closes his Apology, on this Head, with a Recital of the Absurdities contained in some of the said Depositions, and pleasantly hints at the Difficulty of numbering the Ghosts, at *Portadown* Bridge, and of being duly ascertained of their religious Principles.

Mr. Serjeant, somewhat piqued at this Kind of Raillery demands, of his Opponent,

whether he admits that any Murders or Massacres were at all committed, by *Irish* Catholics, during the Course of this Rebellion ; or whether it might not have been a very placid kind of Business, and quite innocent of Blood.

To this Mr. *Candour* replies, and does not hesitate to confess, that there were many, too many Murders and Massacres committed on both Sides. But, Gentlemen, the Distinction, which Mr. *Candour* makes on this Occasion, is worthy your particular Notice and future Recollection, as it is the Axis on which this Tryal is likely to turn. These Massacres, he says, were not committed, on the one Side, by the People properly called *Protestants* ; nor, properly speaking, by the People called *Irish* Catholics, on the Other. They were committed, upon *Irish* Catholics, by a *fanatic and enthusiastic* Soldiery ; and upon Protestants, by a *savage and exasperated* Rabble of *Free-booters*. He observes that *English-Protestants* and *Irish Papists* were, alike, Sufferers on the Occasion ; that the Generali-
ty

ty, of the one and the other, had, in no Degree, provoked or interfered in the Quarrel; that they were mutually made the Victims thereof; and that the Helpless and the Innocent, on either Part, were cast to the Swords of the Guilty and the Offending.

Mr. *Candour*, having thus wholly cleared his Clients, as he conceived, from every criminal Imputation, hitherto charged by the Council for the Crown, expresses his Desire of dropping all further Altercation, touching the Infurrection of 1641, lest, in the future Defence of his Clients, he should be compelled to criminate the Sectaries of those Days and, thereby, to give Offence to the Sectaries of these Days, with whom we continue to live in all Peace and Charity.

Mr. Serjeant, however, will by no Means agree to such a Compromise. He seems to think that, where *Temple* speaks of the Massacre of one hundred and fifty thousand within the first *two Months* of the Rebellion, the Error lay merely in the Abridgement of the Time, and not in any Exaggeration of

the Number. Thus restored as he apprehends, to the Merits of his Charge, he proceeds to persuade us of the Likelihood of the Fact from the ancient Antipathy of the *Irish* to the *English*; from their beholding them as the Invaders of their natural Rights and Properties; from their Propensities, on that Account, to perpetual Rebellions, since the first *English* Invasion; and that, at this particular Period, when the *Scotch* were up in Arms, and the King embroiled with his Parliament, the *Roman Catholics of Ireland* gladly seized the Occasion to cast off the *English* Yoke, which they nearly effected, as Mr. Serjeant affirms, by the Massacre and Extirpation of almost every *English* Protestant within the Kingdom.

Mr. *Candour*, no longer permitted to decline the Contest, casts this ancient Repugnance, of the *Irish*, to Government, upon the intolerable Insolence and Tyranny of the *English*. He adds that, during the Reigns *James* and *Charles* I. when these People were admitted to the Protection and Warmth of
a just

a just and a free Constitution; had not these Advantages been, again overpoized, by the Deprivation of their Estates and the Prohibition of their Religion, they would have sat down in Peace, the most satisfied and grateful of all Men living.

In Attestation of this just and amenable Disposition in the native *Irish*, Mr. *Candour* refers to several very honourable Memorials in their Favour, quoted from Sir *John Davis*, Attorney-General to *James I.* and one of the itinerant Judges in *Ireland*. Agreeable to this their peaceable Temper, he affirms that during the whole War of 1641, eight Tenths, of *Irish* Catholics, never offered to stir in any Act of Hostility. That great Numbers of their Gentry were personally attached to the King. That all this People, without Exception, were attached to the Constitution. That such an Insurrection was by no Means the general Inclination of the *Irish*. That they avoided its Commencement. That they detested its Consequences. That they were artfully and violently impelled

thereto, with a View to the Forfeiture of their Lives and Fortunes. And that they had no other Alternative, no other Option, save patiently to abide the Swords of their Enemies, or to stand for their Lives.

Mr. *Candour*, at this Time, seems justly aware that Allegations so contrary to the Opinions and Prejudices, long entertained and deeply rooted against this People, require very uncommon and unquestionable Proofs. He, therefore, calls in a Host of honourable, right honourable, and royal Witnesses to his Aid. From several Testimonies of Lord *Clarendon*, and several Testimonies of Sir *John Temple*, who were principally quoted against this People; from that of his Majesty King *Charles I.* from many Testimonies of the Earl of *Clanricarde*; from that of the Author of the History of Independency; of the Reverend Doctor *Nelson*; of the Earl of *Castlehaven*; and of the Parliament of *Ireland*; he shews,

That, “ *Many of the Irish Catholics were*
 “ *driven by the Rigour of those who were in*
 “ *Authority, to put themselves into the Protection*
 “ *of*

“ of those whose *Ways and Courses* they totally
 “ disapproved. That the Persons, then in Power,
 “ threatened all Extremities to the Community
 “ of the Irish Nation, resolving to destroy Root
 “ and Branch, Men, Women and Children,
 “ without Regard to Mercy. That such Mea-
 “ sures armed this People with Desperation.
 “ That the Rigour fell even upon well deserving
 “ Servitors. That even those, of the Irish Ca-
 “ tholics, who fought under the Banners, and
 “ in the Cause of the Government, conceived
 “ themselves destined to Destruction let their En-
 “ deavours be never so loyal. That the Lords
 “ Justices had so disposed of Affairs as if the
 “ Design was laid to put the whole Nation into
 “ Rebellion. That this was purposely done by
 “ the Independents that both Papists and Pro-
 “ testants might destroy one another. That the
 “ Lords Justices had a greater Eye to the For-
 “ feiture of the Rebels Estates than to any
 “ Means for preventing or suppressing the In-
 “ surrection. And, that a more unpleasing In-
 “ clination could not be discovered than a Wish
 “ or Consent that the War should be any other
 “ way

“ way ended than with the Blood and Confisca-
 “ tion of all this People.

Hereupon, Mr. *Candour* observes that, after so many industrious Contrivances, for fomenting Discontents, and for exasperating the Spirits of *Irish Catholics* against an *English Government*, it was not to be wondered that the Dregs of this People should boil uppermost, and that the Savage and Flagitious should perpetrate many Barbarities. But Mr. *Candour* shews that these Barbarities were so far from being imputable to the People, properly speaking, called *Irish Catholics*, that they were perpetrated contrary to the Custom of their Army, to the Ordinances of their Clergy, and to the Orders of the Chiefs of the Insurrection; that many of the Offenders were punished by the *Irish* themselves; and that they were universally condemned and excommunicated by their Church.

Mr. Serjeant *Statute*, additional to his first Charge of the Massacre of one hundred and fifty thousand, further affirmed that, in the Course of this Rebellion, the *Irish Catholics* nearly
 effected

effected their Intention, of casting off the *English* Yoke, by the Extirpation of almost every Protestant within the Kingdom.

To this Mr. *Candour*, in the Course of his Defence, very fully replies. He shews, by a natural Deduction of historical Facts, from the first *English* Invasion to the Insurrection of Forty-One, that the collective Number of Inhabitants in *Ireland* could not be many; and, agreeable to the numerical Estimates of those Days, he shews, that the respective Amount of Episcopal Protestants, in that Kingdom, could not exceed the 150,000 alleged to be massacred. Wherefore to alleviate our Apprehensions of the utter Extirpation of all these Protestants, at that Period; he very charitably proves, from the Authorities of Doctor *Borlase*, *Carte*, *Ware*, and Others; that the great Numbers of Protestants, who possessed themselves of strong Holds, who escaped from the open Country of *Ulster* to *Dublin*, who were delivered from Bondage by Sir *William Cole* and Sir *Frederic Hamilton*, who were preserved by Captain *Mervin*

Mervin in the County of *Firmanagh*, who got safe to *Derry*, *Coleraine*, and *Carrickfergus*, who were Inhabitants of *Dublin*, who resided peaceably in the open Countries of *Munster* and *Leinster*, who lived under the Protection of *Irish Catholics* where they were predominant, and who were saved from the Rabble by the Priests and Chiefs of the said Catholics; Mr. *Candour* shews, I say, that, when all these Thousands upon Thousands are totted together, there cannot be very many missing of the original one hundred and fifty thousand, the Amount, as has been estimated, of Episcopal Protestants, at the Time of the Insurrection.

Mr. Serjeant, finding himself thus pushed from all the Arguments and Authorities wherewith he had entrenched himself, retreats to a Corner which he thinks still tenible; he says he does not so much insist on any particular Number, of Massacres and Murders, as on the Barbarity of the Manner with which they were committed; and he, instantly, offers to go into Proof.

Here,

Here, however, Mr. *Candour* interposes a friendly Caution, he hints that People ought not to be over forward in attacking Others from that Quarter where they, themselves, are most exposed; and he intimates his being able to produce five Instances, for One, of Cruelty for Cruelty, and Murder for Murder.

To this Mr. Serjeant replies, by a last Effort of Genius. He tells us, to the Purpose, that the Nature of an Action is properly defined from the Nature of its Motive; and that the very same Slaughters, which are Massacres and Murders in the Hands of the Invaders of Laws, Country, or Constitutions, are Deeds of Worthiness and Virtue in the Defenders thereof.

Mr. *Candour's* Reply, on this Occasion, was too particular, and too deserving of the Remembrance of all who heard it, to require any Repetition. I shall, therefore, barely observe that War, itself, when even exercised against Rebels and Invaders, hath its Laws and its Precincts. That no one ought to be

be offended who, by Captivity, Surrender, or Disability of Age or Sex, is incapable of giving Offence. That the Pretence of Law or Religion, for the Perpetration of evil Deeds, serves only to deepen their Guilt. And, that Mr. Serjeant could not do a greater Disgrace, to the civil or religious Constitutions of his Country, than by ascribing to Them the Horrors that he has, vainly, endeavoured to justify by their Authority. Indeed, what worse could he say of the People, whom he has arraigned, than that their civil and religious Principles tend to the Promotion and Perpetration of such pernicious Deeds?

Mr. *Candour*, on the other Hand, has disclaimed all such Deeds and all Tendency to such Deeds, on the Part of his Clients. He has shewn that, during the Reigns of *James* and *Charles I. Irish* Catholics, notwithstanding their temporal and spiritual Grievances, continued loyal and even affectionate to those two injurious Princes. That, previous to the Insurrection of Forty-one, many additional

onal Provocations were given, and many Rumours purposely spread, to persuade this People that they were utterly to be extirpated. That the Infurrection, however, was very far from being general. That they were violently and industriously impelled thereto, with a View to the Forfeiture of all their Fortunes. That they had no Alternative, save that of drawing their own Swords, or of offering their Throats to the Sword of their Enemies. That in Times of such lawless Distraction and Ferment, Rancour begot Rancour, and Cruelty begot Cruelty. That the Commissions, on either Part, were bloody, dreadful, inexcusable. That the Commissions, however, on the Part of the *Irish*, bore no kind of Proportion to the Representation of their Enemies. That such Barbarities were perpetrated, by an exasperated Rabble, against the Inclinations of their People, the Custom of their Army, the Orders of their Chiefs, the Exhortations of their Clergy, and the Ordinances of their Church. That, where they could not duely restrain the Profligate and Flagitious of their own Party, they shewed

shewed their Abhorrence of such Enormities by a contrary Conduct; by rescuing, freeing, defending, cloathing, feeding their Protestant Brethren; by convoying some to Places of Safety; by protecting others at their own Hearths; by sheltering them in Chapels; by saving them under Altars. Finally, Mr. *Candour*, having intimated that the Amenableness, and Innocence, and Virtue of the *Many*, ought to compensate, in the Eye of Prejudice, for the Guilt of the *Few*; he pathetically wishes that the signal Instances which he has given, of the Humanity and Charity of the Forefathers of *Irish* Catholics to the Forefathers of *Irish* Protestants, may avail them, at this Time, for turning the Hearts of their Children into Sentiments of kind Neighbourhood and brotherly Love. I confess that I do not perceive, within myself, any Aversion to the Success of this Petition.

Mr. Serjeant *Statute* being, thus, gradually pushed from all the Posts and Fortresses, with which he thought his Argument so securely entrenched,

entrenched, appears, however, extremely unwilling to quit the Field.

He finds that he cannot any longer maintain his Charge upon *Proof*; he is desirous, however, of supporting it upon *Presumption*. With this View he intimates that the *Practices* of People must bear a Proportion and Conformity to their *Principles*; and he trusts, from a Display of the Wickedness of Popish Principles, to infer, an equal Depravity and Wickedness of Practice.

He then proceeds to give us a Summary of those horrid and detestable Tenets. He sets forth the Church of *Rome* as the Patroness and Sanctuary of all Kinds of Sin. He intimates that her Indulgence to the Crimes of her Votaries, requires neither the Contrition nor Reformation of the Delinquents; but that her Priesthood, as it were with a magical Sponge, can wipe away all Wickedness, however deep the Stain. That such Pardons may be granted to Sins that are, yet, scarce in Embryo or Contemplation. That they will avail for a Lease of Enormities to come.

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That they may be purchased for Years, for Life; be made descendible to a Man's Heirs, and, thereby, at once, may encourage and expunge the future Profligacy of Posterity. And he lastly affirms that when any Matter of Iniquity, however detestable in the Sight of God and Man, is supposed to be available for promoting what is called the Catholic Cause, it then changes its Nature, becomes a Matter of Righteousness, is sanctified by its Motive and deserves Reward.

Mr. Serjeant, it is true, does not produce any Authority in Support of the Justice of these horrid Imputations; but he clearly evinces that they are not of his own Invention, and that they must formerly have been charged to the Church of *Rome*, since her Advocates have taken great Pains to refute them.

I must observe to ye, Gentlemen, that Mr. *Candour*, in his Answer, takes a Method quite opposite to that of Mr. Serjeant. As Mr. Serjeant would infer the Wickedness of Popish Practices from the Wickedness of their Principles;

Principles; Mr. *Candour*, with some better Appearance of Reason, would infer the Goodness of Popish Principles from the Goodness of their Practice.

For this Purpose, he seems to deviate from the Point in View, by running a Round throughout History, from the Reformation downward; in all which he shews that there is no Kind of Conformity between the Practice of any Popish Nation upon Earth, and the Heinousness of the Principles imputed to this whole People.

He admits, however, that, previous to the Reformation, there might have been some Foundation for the said Charge; but this he accounts for by a very natural Distinction between the *Church* and the *Court* of *Rome*; whereby he shews that when *Rome* was in her Zenith of temporal Principality, her Court was tempted to utter, in the Name of her Church, the Dictates of Ambition and worldly Policy. He proceeds to remind us that this Temptation has wholly ceased. That *Rome* has been long deprived of her temporal

Dominion. That she is now no longer a Court, but a Church of *Christ*. That she is thereby restored to her primitive Charity. And that, as she ceases to be interested in the Dictates of worldly Policy, we cannot have any thing to fear from her Religion.

Mr. *Candour* is not contented to rest here. He proceeds to affirm, and takes upon him to demonstrate, that the Principles, imputed by Mr. Serjeant, were, at no Time, the Principles of the Roman-Catholic Church.

In Support of this bold Assertion, he quotes the Authorities of the General Council of *Constance*; of all the Academies of *France*; of the Provincial Congregation of the Jesuits at *Ghent*; of the *French* Clergy in their general Assembly; of the most eminent Doctors of the Roman-Church, and of the Manuals and Books of Devotion universally approved, printed, published, and used by all Popish Families, throughout the World. And he shews, from the said Authorities, that the Church of *Rome* is not satisfied with the bare Disavowal of such abominable Tenets,
but

but that she publishes, preaches, and inculcates, to all her Members, Doctrines wholly the Reverse of those with which she is charged. And he, lastly, demands to know, by what Right or Authority, any Person can pretend to form and promulge a System, in the Name of the Church of *Rome*, which she, herself, universally refutes and contradicts, by her Preaching and by her Practice.

Here, Mr. Serjeant, like other great Men at the Bar, seems to fear that the Want of Justice, on his Side, might possibly be mistaken for the Want of Genius; and, as he cannot support his Charge (against Papists) of Principles repugnant to Civil-Government, he takes Occasion to quarrel with them for Matters that differ, merely, in point of Faith and Opinion.

To this Mr. *Candour*, very pertinently, replies, that the sole Use of Religion, in temporal States, is, by making good Men to make good Subjects; and that all Opinions are tolerable, in every Civil Government, that cannot be charged with political Immortality,

morality, or, that do not make bad Subjects, by making bad Men.

He goes further. He affirms, with great Appearance of Reason, that several of the Tenets of the Church of *Rome*, such as auricular Confessions, Purgatories, Fasts, and Penances, however erroneous in Point of *Religion*, are attended by Consequences advantageous to *Civil Government*, and, by habituating Roman-Catholics in their Submission to *Church Discipline*, prepare them for that Obedience which is due to the *secular Powers*.

Here, Gentlemen, I concluded that this Controversy was at an End. For, when the *Principles and Practice*, of a People, had been fully convassed, I did not perceive that any Thing further could be objected. I was, therefore, proceeding to my Charge; but Mr. Serjeant gave me to know that I was too precipitate.

He informs us that, though all other Catholics, throughout the World, should be, deservedly, accounted loyal and ameneable to Government; yet the Catholics of *Ireland*
can

can never bear true Fealty to the royal House of *Hanover*, so long as an Individual of the infatuated House of the *Stuarts* shall remain.

In Proof, he shews that, notwithstanding the peculiar Grievances under which the Roman-Catholics of *Ireland* laboured, during the Reigns, and by the Means, of *James I.* of *Charles I.* of *Charles II.* of *James II.* and of the last Regent of a Line, severely inauspicious to this People; they yet continued attached to the Persons of those Princes, with the Fondness of a Spaniel, and the Adherence of a Bull-Dog, who will not quit his Hold tho' torn Limb from Limb. And, indeed, if Mr. Serjeant had further shewn that these People had proved unfaithful to the Princes of a different House, or had acted against *William III.* against *George I.* or *George II.* in Favour of any *Stuart*, since they were legally excluded from the Throne of these Realms; his Charge had been greatly in Point, if not conclusive.

Mr. *Candour*, in Answer to this imputed Attachment, which he calls chimerical, does not offer to argue, in form. He thinks it sufficient to shew, by a Detail of historical Facts, that *Irish* Catholics, of all others, had the greatest Reason to detest every Branch of a Line of Princes, who commenced in their Sufferings and concluded in their Ruin.

He proceeds to observe that, had this unaccountable Attachment of *Irish* Catholics, to the House of the *Stuarts*, been any Thing more than imaginary; had the Remembrance thereof, even descended from Father and Son to the third and fourth Generation; yet Time, and the Attrition of Years after Years must, 'ere this, have erased all such partial Impressions; and that, in Instances of much nearer and dearer Recollection, the Affections, like the Fashions of this World, pass away.

If in Reality, says he, the Roman Catholics of *Ireland* continued faithful and loving to Those, their inveterate Enemies, what would they have been to Friends, to Princes who
had

had treated them with Lenity and Goodness? Such Fidelity and Affection to their former bad Masters, can surely give no Cause of Exception or Umbrage to their present benign Rulers.

But where, demands Mr. *Candour*, where is this House of the *Stuarts*, to whom the *Irish* are said to look, as to the Haven of their Salvation? — Unhappy, and obscure People! if any such there are, the World neither takes Cognizance nor Concern about them. And who will look for Support or Succour from those, who cannot, themselves, subsist, but by the Compassion of others?

GENTLEMEN of the Jury; you undoubtedly recollect many Things, in this Argument, which the Briefness, peculiar to a Charge, did not permit me to recite. Ye are, now, at Liberty to retire, and to consult upon a Verdict, most agreeable to Equity, and to the Nature of the Evidence that has been laid before Ye.

Foreman.

Foreman.

My Lords, we do not need to leave the Box, in order to debate this Business between ourselves; we are already agreed upon our Verdict. But, my Lords, this is a Cause of great Weight to the World, and, it has been so fairly and fully handled, this Day, as to induce us to desire that the Pleadings, on both Sides, should be made public; as well to clear away the Load of historical Rubbish that has lain upon Truth this Century past, as for the Satisfaction and Information of all People; and more especially, for quieting and conciliating those Animosities that have been so long fomented by mutual Misrepresentations.

Such a Publication, my Lords, as we humbly apprehend, would render our Verdict altogether unnecessary; as every Man must then judge, according to the Truth of Facts so very clearly and satisfactorily demonstrated to Mankind.

Lord

Lord Chief Justice.

You must pardon me, Gentlemen; the Court cannot dispense with a Proceeding so contrary to Form and Precedent. We insist upon your Verdict. We, however, approve of the Publication of these Pleadings; as they may serve to acquit you of any Partiality, and, as I trust, to justify your Decision, whatever it may be.

Gentlemen of the Jury — Are you agreed in your Verdict?

All.

Agreed.

Lord Chief Justice.

Were the People, properly called the Roman Catholics of *Ireland*, guilty, or not guilty, of the many horrid Barbarities, during the Troubles of 1641, charged upon them by Lord Clarendon, Sir John Temple, and other Historians?

Foreman.

Not guilty, my Lords.

Lord

Lord Chief Justice,

Are the religious Principles of Roman Catholics consistent or inconsistent, with the Welfare of Civil Government?

Foreman.

Consistent with the Welfare of every Civil Government.

Lord Chief Justice.

Has the present Government of these Kingdoms any Danger to apprehend from the Attachment of *Irish* Catholics to the House of the *Stuarts*?

Foreman.

No Danger to be apprehended, as we humbly conceive, from the fallen House of the *Stuarts*, on any Score whatever.

Lord Chief Justice.

Amen, Gentlemen, so be it, we pray God! — May all *Irish* Papists join with us in wishing that the illustrious House of *Hanover* may continue to reign over these Kingdoms, for ever, in their present Meridian of Glory and Happiness.

Foreman.

Foreman.

We most ardently concur in that Petition to Heaven! And, indeed, every Verdict, upon Earth, ought to close with an *Amen* to a Prayer for the Patrons of the Liberties of Mankind.

But, my Lords, we take leave to remind you, that Mr. *Candour*, in the Close of his Reply to Mr. Serjeant *Statute*, went a Step or two further than he was warranted, as we think, by any previous Charge against this People.

He intimates that some *Irish* Acts of Parliament, respecting Roman Catholics, are indiscreet, in Point of Policy, and severe in Point of Humanity. He does not seem to be satisfied with refuting the several Charges of Mr. Serjeant *Statute*. He himself, in his Turn, becomes the Assailant. He hints at the Cruelty of precluding Fellow-Subjects, Fellow-Christians, and Countrymen, from the common Participation of Earth and Air. He directly charges *Irish* Protestants with Imprudence, and Inhumanity in their Conduct

duct toward *Irish* Papists. And he speaks, broadly enough, of the Suppression of the Prosperity of the Kingdom of *Ireland*, by certain Ligatures which the Laws have put upon the Hands of two Thirds of the whole People.

Any Measures, my Lords, that tend to a Man's Benefit, though at the Cost of his Brother, may be accounted for on the Principles of Self-Interest, or Self-Love. But Measures that apparently tend to our own Ruin, without any Advantage, save that of crushing under us the People whom we hate, such Measures, I say, may possibly be accounted for, on the Principles of Passion, but never on any Principles of common Policy or common Sense.

We cannot, therefore, but apprehend, with all Deference to the Merits of Mr. *Candour*, that his Warmth in the Cause which he undertook, has transported him into Excesses which he cannot coolly warrant. And, if Mr. Serjeant would be so good as to undertake the Defence of *Irish* Protestants,

on

on this Head, we should hear him with great Pleasure, if not with some Prejudice in his Favour.

Lord Chief Justice.

Be pleased to reflect, Mr. Foreman, that we really have not Time to call another Cause. The Gentlemen of the Bar are much fatigued. This is, also, new Matter which, you wish to have debated; and, of a Consequence that ought not to be passed over, as with Skates. I confess my own Ignorance, in a great Measure, of the Constitution and Interests of our Sister Country of *Ireland*. We want Leisure and Study in a Question of such Importance. If ye can prevail upon Mr. Serjeant to engage in a Cause which ye seem to patronize, I am sensible that your Advocate will be superior to all Opponents, save Truth, alone; and this Day two Months, with your Concurrence, may be appointed for Trial.

I must apprize you, however, that, in the Cause proposed, I cannot so properly take the Lead on this Bench. My Brother, here,
the

the Lord Chief Baron *Interest* will be a much better Judge of such Matters. I will, however, attend him with Pleasure, and wish ye all, a good Night.

Hereupon the Crier broke up the Court, and all retired much satisfied with the Entertainment they had received, during the first Trial; and full of Conjectures with respect to the Issue of the Second.

PART

PART II.

THE fifth Day of last *October* being arrived; the Judges, Lawyers, and Jury, assumed their respective Places, as before; and Counsellor CANDOUR opened the Cause, in the following Words.

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury! Ye are now to acquit or censure the Conduct of Persons whom no Body dared to arraign in their Day. They are no less than her Majesty Queen *Anne*, the last Regent of the *Stuart* Line, her Privy-Council of *England*, and her Privy-Council of *Ireland*, with the Lords and Commons, of that Kingdom, then, in Parliament assembled.

If I shall happen to be over warm in this Cause, as the Gentlemen of the Jury seemed to apprehend, when last we parted; it is not, O however,

however, in behalf of *Roman-Catholics*, that I shall shew the least Appearance of an unbecoming Zeal. It is in Behalf of his gracious Majesty *George* the Third; in Behalf of the Interests of this his Kingdom of *England*; of the Interest of the present Lords and Commons of *Ireland*, of *Irish* Protestants in particular; and of That my beloved and native Country in general.

On this Trial, my Lords, no Matter of Life or Death depends, all the Parties, accused, are long since deceased; and, indeed, the principal Matter with which we presume to charge them, is that they were not Prophets as well as Legislators; that they did not foresee, or, rather, that they did not, duely, forecast the Evils that might ensue, and that have actually attended several Laws which they enacted in those Days.

Serjeant Statute.

With your Pardon, my Lords, I do not perceive that we can regularly enter upon a Discussion of this Business. There is something so sacred in the consenting Act of the legislative

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tive and executive Authorities of a whole Kingdom, as ought to deter Individuals from the Presumption of Questioning, and, much more, from an Attempt to criminate the Same.

To what dangerous Lengths may Self-sufficiency extend! if every private Caviller shall be permitted to quarrel with the Decrees of his Rulers; and to canvass and arraign, in Point of Justice or good Policy, the joint and solemn Acts of a national Legislature.

Counsellor Candour.

My Lords, I have already, been rebuked, either with or without Reason, for the Warmth of my Friendship to Roman-Catholics. But, I have not imbibed so much of their Principles, as to ascribe Infallibility to any spiritual or temporal Jurisdiction upon Earth. *Humanum est errare.* This is equally the Axiom of Nature and Experience. All Men are fallible alike in the Congregate, as in the Individual. And the Shrewd may err as much, by over-reaching their Aim, as the Ignorant, by falling short or deviating from it.

If I conceive that any Mortal, or Assemblage of Mortals, have erred, or are about to err, in any interesting Concern, can I serve them better, can I oblige them more, than by shewing where that Error may be avoided or reformed? Do not our Parliaments, themselves, expressly acknowledge their own Fallibility, by repealing, and amending, a Multiplicity of Statutes which Experience hath proved to be pernicious or imperfect? Be it known to you, Mr. Serjeant, that I am one of the Constituents of the Parliament of that Kingdom. That I have thereby a Right to advise them, either before or during their Session, of any Measures that I conceive to be of public Concern. And that it is my Privilege, my Interest, and even my Duty to remonstrate, to the Patrons of the national Prosperity of *Ireland*, on any Detriment that hath accrued, and on any Advantage that may accrue to our common Country.

But, my Lords, had the Laws, to which I object, been ever so just and wise at the Time of their being enacted; had they been
machinated

machinated and framed, by an Assembly of *Solons*, of *Cecils*, and of *Pitts*; is that a Reason that they should continue always wholesome and necessary, to the End of Time? In a World where nothing is permanent; where Modes, Manners, and Interests are ever at a Flux; where Life is uncertain, and all it contains changeable; Nature and Reason will conform to Circumstance and Situation, and, where Causes have ceased in any Degree, the Consequences ought to cease in the same Proportion. But, I further demand, wherein or against whom do I trespass, in this Matter? Will his gracious Majesty, or his Councils for either Kingdom, will our honoured Representatives of the People of *Ireland* be offended, by my supposing that they, in their superior Wisdom, are duly qualified for rectifying the Mistakes of their Predecessors?

Lastly, Mr. Serjeant, were your Notion of respectable Infallibility equally applicable to all Monarchs, all Ministers, all Councils, and all Parliaments, in all Ages; can it be

Treason to affirm that a total Change of Times, Occasions, and Exigencies, may make the Continuance of an Expedient absurd and destructive, which originally might have been founded in some Sort of Prudence? No, surely. Permit me, then, Mr. Serjeant, to proceed, wholly untrammelled in the Way of Truth. It is not possible that I should give just Cause of Offence, while I intend Nothing worse than Honour to Station, Prosperity to my native Country in general, Advantage to the Protestants of that Country in particular, and a Relaxation from Grievances to such of her Papists as, in the Issue, shall be found and deemed worthy thereof.

Lord Chief Baron Interest.

You are in the Right, Mr. *Candour*; pray proceed. God forbid that the King, or the Legislature of a free Constitution, should condemn a Man for attempting the Service of his Country.

Counsellor Candour.

I shall not, my Lords, take any Manner of Exception to the Laws, especially called
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the Popery Laws, as being severe or oppressive of *Irish* Papists; but merely, as I apprehend Them injurious to Government; dangerous and detrimental to *Irish* Protestants, and repugnant to the general Interests of the Nation.

BY THE 2d. *Ann.* Sess. 1. Chap. 6.
 “ Every Papist shall be disabled to purchase
 “ either in his own Name, or in the Name
 “ of any Other, or to his Use, or in Trust for
 “ him, any Manors, Lands, Tenements, Here-
 “ ditaments, or any Rents or Profits out of the
 “ same, or any Leases or Terms thereof, other
 “ than any Term of Years not exceeding
 “ thirty one Years, whereon a Rent, not less
 “ than two Thirds of the improved yearly
 “ Value at the Time of making such Lease,
 “ shall be reserved or made payable during
 “ such Term; and all Estates, Terms, or
 “ any other Interests, or Profits whatsoe-
 “ ver, other than such Leases as aforesaid,
 “ purchased by, or for the Use of such Pa-
 “ pist, or upon any Trust or Confidence,
 O 4 “ mediately

“ mediately or immediately, to or for his
 “ Use or Advantage, shall be utterly void.”

Further, by 2d. *Ann.* Sess. 1. Chap. 6.
 Every *Irish* Papist is, effectually, excluded
 from bearing any Office, civil or military, or
 receiving any Salary, Fee, or Wages, be-
 longing to, or by Reason of any Office or
 Place of Trust under the Crown.

By the 8th *Ann.* Chap. 3d. “ No Papist,
 “ or Person in Trust for any Papist, shall be
 “ capable to take, have or receive, any An-
 “ nuity for Life or Term of Years deter-
 “ minable on any Life or Lives, or for any
 “ greater or lesser Estate, any ways charge-
 “ able on, or that may affect any Lands, &c.”

“ All collateral and other Securities by
 “ Mortgages, Judgments, Statutes-Mer-
 “ chant, or of the Staple or otherwise,
 “ which have been, or hereafter shall be made
 “ or entered into, to cover, support or secure
 “ and make good any Bargain, Sale, Confir-
 “ mation, Release, Feoffment, Lease or other
 “ Conveyance, contrary to 2d. *Ann.* Sess. 1.
 Chap.

“ Chap. 6. are void to the Purchaser of any
 “ the said Lands or Tenements in Trust for,
 “ or for the Benefit of any Papist, as like-
 “ wise to any such Papist, his Heirs and
 “ Assigns, and all such Lands, &c. so con-
 “ veyed or leased, or to be conveyed or leas-
 “ ed to any Papist, or to the Use of, or in
 “ Trust for any Papist, contrary to the said
 “ Act; and all such collateral Securities as
 “ are or shall be made or entered into, to
 “ cover, support, secure or make good the
 “ same, may be sued for, by any Protestant,
 “ by his proper Action, real, personal or
 “ mixt, founded on this Act, in any of her
 “ Majesty’s Courts of Law or Equity, if the
 “ Nature of the Case shall require it, and
 “ the Plaintiff or Demandant in such Suit,
 “ upon Proof that such Purchase or Lease
 “ was made in Trust for any Papist, or un-
 “ der any Confidence to or for any Papist, or
 “ for his Benefit, by receiving the Rents, Issues
 “ of Profits thereof, or otherwise, shall ob-
 “ tain a Verdict and Judgment, or Decree
 “ thereupon, and shall recover the same, and
 “ have Execution, to be put into the Seizin
 “ and

“ and Possession thereof to hold and enjoy
 “ such Lands, &c. according to the Estate,
 “ Use, Trust, Interest or Confidence which
 “ such Papist had or should have had there-
 “ in, had he been qualified to purchase or
 “ enjoy the same, subject to all such Rents,
 “ Covenants, Conditions, and Reservations,
 “ and all Incumbrances and Portions what-
 “ soever, as the same would have been sub-
 “ ject to in the Hands of such Papist, or in
 “ the Hands of such Person to whom the
 “ same were sold, or leased in Trust for such
 “ Papist, or to his Use or Benefit, and shall
 “ also have the full Benefit of all such col-
 “ lateral Securities as the Party to whom the
 “ same are or shall be made, might have had.”

“ No Papist who is or shall be permitted
 “ to follow any Trade, Craft, or Mystery
 “ (except the hempen or flaxen Manufacture)
 “ shall hereafter take or keep more than two
 “ Apprentices at a Time, and that for no
 “ less a Term of Apprenticeship than seven
 “ Years; any Papist that shall offend there-
 “ in by keeping more than two Apprentices,
 “ or

“ or by taking or keeping Apprentices for a
 “ less Term than seven Years, shall forfeit
 “ 100 *l.* for every such Offence, to be reco-
 “ vered by any Person who shall sue for the
 “ same.”

AS THESE, my Lords, are, principally,
 the Statutes that serve, as I conceive, to
 weaken the Hands of Government, to en-
 danger and impoverish *Irish* Protestants, and
 to obstruct both the manual and landed In-
 terests of *Ireland*; I shall pass over, for the
 present, the many other penal and prohibit-
 ing Laws which, if put in Execution, would
 not suffer a single Papist to breathe, beyond
 the Barrs of a Jail, in *Ireland*.

But though those Laws are still in Force,
 it is long since they have been in Action;
 they hang, like a Sword by a Thread, over
 the Heads of those People, and Papists walk
 under it, in Security and Peace; for, who-
 ever should adventure to cut this Thread
 would become ignominious and detestable in
 the Land.

Wherefore,

Wherefore, without awaking such Laws as have long slept, let us return to the Laws already recited, to the Laws that sleep not, and consider their Consequences, first with Respect to Roman Catholics apart, and secondly with Respect to Government, to Protestants, and to the National Interest.

From the said recited Statutes it is evident, that *Irish* Roman-Catholics are precluded from profitable or durable Tenures in any Lands, or affecting or respecting any Lands, Tenements, or Hereditaments in that Kingdom.

Further, that all such prohibited Tenures, Interests, Uses and Trusts are discoverable, and may be sued for, recovered, and possessed by Protestants, without any Kind of Equivalent, Reimbursement, or Consideration whatsoever, for the Same.

Further, that *Irish* Papists are personally incapacitated from serving the Government, or themselves, by any Trust or Office, whether civil or military, under his Majesty.

And

And further, that, in their several Occupations of personal Craft and Manufacture, they are considerably cramped, by being prohibited from instructing and employing any considerable Number of Hands.

That, consequently, *Irish* Papists are wholly discouraged and, in a great Measure incapacitated from earning a Subsistence, by manual Occupation, or the Culture of Land, and, consequently, from doing any real or personal Service, to their Families, to the Government, or to the Country in which they live.

That, should they be able however, by Means of such limited Industry, to acquire a Sum of Money, they are debarred from realizing or assuring the same, and even from defending it against Robbers, for Want of Arms: And that, considering the many Uses, both real and personal, from which Papists are precluded, it may be difficult to say of what Use they are in *Ireland*.

NOW, my Lords, where so numerous a People, all Natives of the Country and amenable

nable to the Government under which they live, are discouraged, and disabled by those Laws, to which alone they can look for Countenance or Protection; we must, in Reason, suppose that this partial Hardship was appointed and permitted, with a View to some very extensive Advantage; agreeable to the MAXIM, *that a particular Injury is, rather, to be suffered than a general Inconvenience.* And I would gladly learn, from Mr. Serjeant, what those great and extensive Advantages are, of which those Laws have been, or were proposed to be productive.

Serjeant Statute.

MANY, my Lords, and very great, and very extensive, have been the Advantages, that were proposed to accrue, and that have actually accrued, and that still continue to accrue to *Ireland*, from the Acts especially, called the Popery Acts. First, with respect to the Religion there established by Law. Secondly, with Respect to the Safety of the State. And, thirdly, with Respect to the Interest of *Irish* Protestants who ought to be considered,

considered, however few in Number, as the true and constituent Body of the Nation.

At the Time of enacting the said disabling Statutes, we will suppose that four Fifths of the Inhabitants of *Ireland*, were Dissenters from the Religion established by Law, and that three of the said four Fifths were Roman-Catholics.

This, the Governors of *Ireland*, with the Representatives of the Nation then in Parliament assembled, considered as a very disagreeable Circumstance. The Reclaiming of so considerable a Portion of the People from their religious Errors and Prejudices, to a Uniformity of Principles in Church and State, became a most desirable Object of Attention. They were sensible that so great a Reformation could not suddenly be effected. They, however reflected, with Horror, on the many outrageous Wars, Devastations, and civil Feuds that had been nearly perpetuated, from the Reign of the last *Harry* to that Day, by the mere Means of Difference in religious Opinion.

Opinion. They were studious of such Expedients as should prevent the Possibility of the Return of the like Evils. And though they were conscious that so great a Work could not presently be accomplished, they generously wished to procure those Advantages, for Posterity, which they could not hope to see attained in their own Days.

It is, also, obvious to presume that They were Persons of uncommon Piety. They preferred the Interests and Advancement of true Religion, though distant, to temporal Concerns, which they knew to be near, but held to be less important. They conceived that, even, the temporal Interest of their Posterity would finally, be better accomplished by a general Conformity of spiritual Opinions. And they therefore proposed, by adequate Expedients, to gather the *Irish* Flock into one Pale, whereby they might at length become a happy People, united in Principle, Interest, Prosperity and Power.

For this great and beneficent Purpose, they judiciously laid hold of the *two principal Springs*

Springs of all human Actions, *Pleasure and Pain*, or *Interest and Damage*. On the one Hand, they allured Roman Catholics into the Pale of the Protestant Church, by an Offer of a free and equal Participation of all Benefits and Advantages arising in the State; and, on the other Hand, they deterred them from continuing in the Pale of the Popish Church, by Discouragements, Disabilities, Forfeitures, and Penalties. That, by a Sort of kind Constraint, they might impel an infatuated People to Happiness; and push Them into the Profession and Practise of a Religion, which Reason and future Reflection could not fail to approve.

Having, already, shewn the very important Benefits that are derived, from the said Laws, to the *Protestant Church*; I now, proceed to set forth the further Advantages that are, thereby derived to the *Protestant State of Ireland*.

Mr. Clodworthy Common-Sense.

Mr. Serjeant, we beg your Patience, a-
while. You have so clearly and satisfactori-

P

ly,

ly, demonstrated the Advancement that true Religion must make, by Means of the said Laws, especially called the Popery Laws, that we deem them of sufficient Value to these Kingdoms, without any further Advantage attained, or proposed to be attained thereby. We, therefore, think it unnecessary for you to proceed, till Mr. *Candour* has answered to this Part of your Pleading, if he happens to be furnished with any Matter, or any Appearance of Matter, for that Purpose.

Counsellor Candour.

My Lords the Judges, and Gentlemen of the Jury. — I am not, perhaps, sufficiently prepared for answering to this Part of Mr. Serjeant's Argument. Indeed I, originally, made no Manner of Objection to the said Laws, with respect to their advancing or retarding true Religion. I merely, and expressly, excepted to them, as I apprehended their Consequences injurious to Government, dangerous and detrimental to *Irish* Protestants, and repugnant to the general Interests of my Country.

I, how-

I, however, imagine that I am furnished with somewhat more, than the Appearance of Matter, for shewing, that the spiritual and religious Advantages, supposed to be procured by the said Laws, are not so well assured, so mighty, or so extensive, as their Advocate has set forth, or as the worthy Gentlemen of the Jury seem inclined to believe.

If the Government and Legislature of those Days did seriously intend, by the said Laws, to promote and extend the Protestant Church; how comes it to pass that the Means were merely *Civil*, whose Influence they made Use of in Matters of *Religion*? why did they appoint the *temporal Weapon*, alone, for the Cutting away of *spiritual Prejudices*?

Had our Ancestors sincerely and piously proposed the Conversion of Dissenters to their own Communion, it would surely have been by shewing, to the World, the superior Rectitude and Purity of the Church established, by Law, in these Kingdoms. To that great

End, they would have enacted and published Laws for discountenancing, and chastising, all Kinds of Vice, Irreligion, and Lewdness; especially among the Members of their own Sect; neither would they have exempted Wealth, Title, or Station, from the Shame and Reproach that ought, legally, to be affixed on the Transgressors of the Laws of their God and the Land. They would have projected a Regulation, and further Provision, of Academies, Schools, and Seminaries, for Instruction and Education, throughout the Land; where, the inculcating of Morality, and the Duties enjoined by *Christ*, might be held, at least, equivalent to the Knowledge of the dead Languages, and of the Whoredoms and Debaucheries of the Heathen Gods. By such an early Provision for the future Morals, Virtue, and Conduct of Protestants, each Member would have stood, as it were, at the Door of his Church, and have attracted all others to approach and to enter; our Religion would have been justly, and inwardly, honoured, even by those who determined to be obstinate in Error; and our State would have received the happy Encrease,

crease, in a perpetual Succession of good Countrymen, fair Traders, loyal Subjects, fearless Soldiers, and honest Men.

Indeed, the comparative Rectitude of any one Religion, in Preference to another, can no otherways be manifested than by preferable Rectitude in the Practice of its Professors. The Word of God, himself, must remain a dead Letter till enlivened by Observance; and the divinest Precepts of our divine Legislator, cannot shine, save by Reflection from the Substance of good Works. Ought the Members of any one Communion to hope, that the Members of another will enter their Pale, while they think they can shew as good Men, and as good Christians, within the Circle of their own? If we stray from the Road of a good Life, is it reasonable to expect that others will follow, merely because we have the Chart of the right Way in our Pockets?

Now, my Lords, Mr. Serjeant has been pleased to affirm, and the Gentlemen of the Jury have been pleased to conceive, that the

saïd Popery Laws were happily and successfully enacted for the Advancement of true Religion ; and, if this is the Case, they must, necessarily have advanced the saïd true Religion, by contributing to the Piety of Those, already, within our Pale; or, by the Introduction of Men of Piety and Integrity into it.

But, my Lords, in the first Case, it cannot be pretended that Laws, merely, appointed to allure or punish those, who are without our Pale, can have any worthy Influence on the Morals, or Christian Principles, of Those who are within.

In the second Case, then, I demand, who are they, among the Papists, of whom these Laws are likeliest to make Converts and Proselytes? Is it they who, agreeable to the Injunctions of CHRIST, are ready to sacrifice all worldly Interests to the Dictates of Conscience and Duty toward their God? No, my Lords, no. The very Reverse. The saïd Laws can be supposed to Influence those alone, who are ready to sacrifice, to their
worldly

worldly Interests the Dictates of Conscience and Duty toward their God. And, indeed, I wonder how a single Papist-Reprobate should continue out of the Protestant Pale, in *Ireland*; considering the many temporal Advantages they might derive from a verbal Recantation of their spiritual Errors.

In all Countries, where there is any Sort of Connection between Religion and Civil Government, the Church which, there, happens to be established by the State will be productive, to its Votaries, of many temporal Advantages which Schismatics and Dissenters ought not to look for. And it is therefore that, generally speaking, in all Countries the People who are, really, of no Religion, are, professedly, of the Religion that is countenanced by the Government.

Hence it happens that there is a greater Appearance of Piety and Zeal among all dissenting Sects, than among the Members of any national Church. But, where, additional to the general Benefits that such Members enjoy, particular Rewards are offered to

Conformists, and particular Penalties denounced against Recusants ; we ought to suppose, that no Person will decline such temporal Advantages, or chuse to undergo such temporal Sufferings, except for the Sake of Conscience, alone. And, what will be the Consequence? Why, the Consequence will be, that all the Flagitious and Profligate, all Persons who are lost to the Sense of God and Futurity, and who deserve exemplary Punishment, will meet with Reward; and that the full and entire Weight, of such Disadvantages and Sufferings, will fall upon those whom nothing, but a Sense of spiritual Duty could tempt to a Change of spiritual Profession ; and who (however erroneous in Matters of Opinion) at least retain the Merit of their Integrity and Virtue.

Indeed, as Matters of Civil Influence are altogether foreign, and opposite in their Nature, to Matters of religious Persuasion ; it is remarkable that all Churches have thriven better, under the Winter of Oppression and Persecution, than under the hottest Summer of temporal Indulgence. Faith, whether
orthodox

orthodox or erroneous, is as the Cloak, in the Fable, which every Man wraps the closer about him, in Proportion as he is attacked by the Severity of the Weather. It is the Light of Reason and the Warmth of Favour, alone, that can prevail upon him to relax or cast it aside.

Is any Man the Master of his own Faith? can he bid himself to be of this or of 'tother Persuasion? He cannot, my Lords; he cannot compel himself to believe this Way or that, much less can he be compelled by any outward Force. Mental Faculties are subject to mental Powers, alone; material Instruments may, more easily, lay hold upon Air; Opinion and Prejudice cannot be influenced, or convinced, or reformed, save by Reason or the Letting in of Truth upon the Soul. Temporal Pleasures, and temporal Pains may terrify, or allure Hypocrites, to the Utterance of Professions that bely their Heart; but, surely, no Rewards ought to be kept in Store for such spiritual Prostitution; neither Punishments, for the Retainers of Conscience

science and Integrity. No Road can be right to the Wretch who takes it against Conviction, and Heaven will find a Home for him who errs in his Honesty.

But further, my Lords. While all other Dissenters, on their taking the legal Test and attending our public Worship, are accounted sufficient Members of the Protestant Church, and are accordingly admitted to all the Benefits of the State; to Papists, alone, the Entrance is made narrow, and difficult, and dishonourable; and, at the same Time, that we bribe them to Conformity, and punish them for Recusancy, we lay a Gulph before them; which None, but the Adventurous, will dare to pass.

By this Gulph, my Lords, I mean that Form of Recantation, which every Papist must repeat, in the Face of God, and of the Congregation, if He, or She, proposes to be legally reputed a Member of our Church and, thereby, to take Hold of the Advantages of our State.

Now,

Now, in this Form of Recantation, They are obliged, expressly and publickly, to avow that they are convinced, by the Blessing of God, of the many Errors and Abuses in the Doctrine and Practice of the Church of *Rome*. That they believe the Doctrine, of *Purgatory*, *Pardons*, *Adoration of Images and Relicks*, and *Invocation of Saints and Angels*, to be repugnant to the Word of God. That public Prayers, and the Ministring the Sacraments, in a *Tongue not understood by the People*, is contrary to Scripture. That *Transubstantiation* overthrows the Nature of a Sacrament. That the *Adoration of the consecrated Elements* is idolatrous. That the holy Scriptures contain all Things necessary to Salvation. And that the Bishop or Pope of *Rome* hath no Supremacy, or ecclesiastical Authority, given him, by *Christ*, over the *Catholic Church*.

My Lords.—In these many Articles which every Convert, from the Popish Religion, is obliged to aver, before God and the World, that he hath thoroughly discussed, and absolutely renounced; in these Articles, I say, are contained almost the whole abstruse and subtile

tile Region of Polemic Divinity; over whose Tracts Few have travelled, and whose Boundaries Fewer have found. The Battle is fought, to this Day, on the narrow Ridge of Distinction, between *Reverence* and *Worship*, *Invocation* and *Adoration*; between the *real* and *symbolical*, the *spiritual* and *corporeal* *Presence* of *Christ* in the Sacrament, &c. &c. But, my Lords, if these are Matters of Controversy among Men who are grown grey amidst Letters and Erudition; are They, also, to become indispensable Matters of Science to the Ignorant and unlettered, to the Yeoman, the Clown, the Cottier, the Day-Labourer? to Wretches who, neither by Education nor Nature, are capacitated for the Investigation, or Idea, of such Subtleties? If they are, my Lords, we may, peremptorily, pronounce, that Ninety-nine, in the Hundred, of all *Irish* Papists, are legally excluded from conforming to our Church; are excluded, I say, by those very Laws, which were so happily framed (as hath been observed) for advancing and extending the Protestant Religion.

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My Lords, I believe, that no Man, here, is insensible of the Difficulty of erasing the Impressions of Infancy, when traced and deepened by the conformable Impressions of Education. Prejudices, in Favour of old Friendships, old Connections, old Attachments, and old Persuasions, are not suddenly, or without Pain, to be rooted up. I have heard it affirmed that the said Laws were, never, the Instrument, or Means, of introducing a single sincere Convert into the Protestant Church. It is certain, that no Papist ever repeated the said Form of Recantation, for whose Conversion some Motive might not be assigned, independent of the mere Dictates of Conscience and Duty. And I appeal to Mr. Serjeant, for his Opinion on this Head, not as an Advocate, but, as a Man of Integrity.

Serjeant Statute.

Mr. *Candour*, I must tell you that your Appeal is ungenerous; it shall, however, be generously and ingenuously answered.

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In Truth, you have set this Affair in a very new and extraordinary Light, and have arranged your Arguments with a Force and Manner, that I was not aware of, and of which I did not think your Matter capable. I shall, therefore, only observe that, though our Catholic-Converts, under such Conditions, may not, at first, be the sincere and zealous Protestants we could wish them, This, however, is a Fault which must daily diminish; we can have nothing to fear from Education, or Prejudice, in their Children, their Grand-Children, and so onward; and thus we shall continue to receive the growing Benefit of the said Laws to the latest Posterity.

Counsellor Candour.

But, pray you now, Mr. Serjeant. If those Laws had opened a wider and less disgraceful Way, for the Entrance of Popish Proselytes into our Pale, do you think that their Number would have been less? Would not the Number of their Children and Grand-Children have been greater; and would not the

the Benefit of such Laws have been, consequently, extended and multiplied to our Posterity? you know it, Mr. Serjeant.

In Fact, my Lords, many Thousands of Popish Converts have entered our Pale, since the first Enacting of the said Laws. But, of those many Thousands, not One in a Hundred, hath entered by the strait Door of the said suspected and public Recantation. They have entered by the Way of our Fleets, of our Armies, and, in much greater Numbers, by the Way of domestic Service in Protestant Families. They have entered zealous Papists, with all their Prejudices about them; but, by repeated Observation, and by occasionally conforming to private or public Worship, They begin to perceive that there is not that Bugbear, in the Morals or Religion of Protestants, which they were taught to believe. Their Antipathies wear away; in Time they begin to approve, and, at last, to prefer.

But, my Lords, the late happy Institution of Charter-Schools, in *Ireland*, hath availed,
above

above all Laws, above all Schemes and Contrivances, for the timely Converting of Popish Infants into pious Christians, sincere Protestants, faithful Subjects, and useful Countrymen. I have seen many Proofs of the laudable Manner, in which those Children of the State have been hitherto educated. Neither do I think that the World can afford equal Seminaries, for giving Infants an early Impression of true Religion, for instructing them in all moral and practical Duties; and for preparing them by various Branches of Industry, to be prosperous and beneficent Members of the Commonwealth.

I am now, my Lords, quite impatient for the Performance of Mr. Serjeant's Promise, that he would proceed to set forth the many Advantages which are derived from the Laws, called the Popery Laws, to the *Protestant State of Ireland*. I am, indeed, curious to learn what can be said, on this Subject. For, though I have the highest Opinion, of the Talents and Ingenuity of Mr. Serjeant,

jeant, I can form no Idea of the *Mercury* which he is to hew out of such a Block.

Serjeant Statute.

My Lords. When the said Laws, called the Popery Laws, were first enacted; the Roman Catholics of *Ireland* were, proportionably, more numerous, and much more powerful than they are, at present. The first Soldier of the World, though lately followed by the bravest Army upon Earth, had found these People extremely formidable, and difficult to be subdued. By their Numbers, as well as Valour, and by their Connection and Alliances, with their Popish Brethren of *France, Spain, &c.* They possibly, had been found, upon a second Trial, superior to all that *Irish* Protestants, though abetted by *England*, could bring against Them. The Impression of the Force and Enmity, of *Irish* Papists, was then recent and strong in the Memory of *Irish* Protestants, and they rightly meditated to suppress a Power, by which they must, otherwise, look to be suppressed.

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But, how was this to be done, my Lords? was it by utter Extirpation? it might favour of Inhumanity to express my own Sentiments or Wishes on the Occasion. Had *old Oliver* lived, but another Year, perhaps a single Papist had not remained in *Ireland*.

When the *Assyrians* conquered the ten Tribes of *Israel*; they did not massacre, or put them to the Sword, in cold Blood; but, they removed them to foreign Lands, where their Name and Memorial is taken from among Men to this Day.

The *Spartans* looked on all the World, as Barbarians, whose Dwellings were beyond the Confines of *Greece*. Yet, when they conquered the *Helots*, they condemned them and their latest Posterity to a State of perpetual Bondage; They made them as Oxen to till the Ground, and, as Beasts of Burden, to carry their Baggage.

Even the People of *Israel*, the Elect of God, though they had made a League of Peace and Alliance with the *Gibeonites*, and
had

had bound themselves, by Oath, to the Observance thereof, yet, thought themselves sufficiently humane and compassionate, when they permitted those very *Gibeonites* to live in the Land, though under the slavish Terms of being *Hewers of Wood*, and *Drawers of Water*, for ever.

But, my Lords, of all the Conquerors, that ever were, our Christian Ancestors, who enacted the said Laws were, surely, the most merciful and the most beneficent. It was incumbent to do something, in Prudence; but they did nothing, in Malice. They found these People, in *Eighty-Eight*, as their Fathers had been, in *Forty-one*, confederated for the Re-establishment of the Popish Superstition, and for the Restoration of their pretended Rights to that Island, whereof the *English* had made a Conquest, above four hundred Years before, and had continued the Seizin to that Day. In short, our Protestant Ancestors saw no End to the Turbulence, and irreconcilable Animosity, of these inveterate Papists; and had they been per-

mitted to retain the Powers and Privileges, with which they had, hitherto, been so injudiciously entrusted, no End could have been found to their Enmity and Insurrections, save in the utter Extirpation of all *Irish* Protestants.

Our gracious Ancestors, however, purposed Nothing, against these their ancient and implacable Enemies, save what was necessary and indispensable, with respect to their own Preservation. They, even, proceeded calmly, and with successive Deliberations, in this necessary Business. They first disarmed them; they, next, set a Watch over their Virulence, and Motions. They further reflected, that these hostile Papists continued formidable, by their Numbers, by their Wealth, and extensive Possessions. They were loth to deprive them of their present Properties; but they deemed it necessary to prevent their further Accession of Power, by any further Accession of durable Property in the Land. And I presume, that Mr. *Candour* has little Cause or Colour to wonder, that a People should not be, readily, admitted

ed to the Communion of our Church, or the Offices of our State, who, from Generation to Generation, for above a Century past, had been the avowed Enemies of the One and of the Other.

Mr. *Candour*. You lately appealed to me for my Opinion, as a Man of Integrity, and not as an Advocate. I now call upon You, in my Turn, Mr *Candour*. And I ask you, do you think that these same *Irish* Papists are to be depended upon with regard to their Friendship for their Protestant Brethren, or with regard to their Attachment to our illustrious House of *Hanover*?

Counsellor Candour.

I will answer you, as a Man of Honour, I think they are not to be depended upon.—
But—

Serjeant Statute.

Your Pardon, Mr. *Candour*, I have not yet done. Our gracious Ancestors, I say, in framing the said Laws, did barely what was necessary for Self-Preservation; and took nothing

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from this People, save the Power of doing Hurt. For had they been permitted to purchase, or acquire any durable Tenures in *Ireland*, their Power must have encreased, from Year to Year, and have been very terrible at this Day.

But, pray, my Lords, what have they to complain of? They live, free, easy, and happy, under the best and most beneficent Government upon Earth. It is not with them, now, as it was before the Days of our most glorious *Elizabeth*, when they were treated as perpetual Rebels and open Enemies to the State. It is not with them, now, as it was in the Days of their own darling *Stuarts*, of *James I.* and *Charles I.* when they were subjected to weekly Fines for Non-Conformity; and when whole Counties were taken from them at a single Sweep. They are fostered by the Constitution, they are protected by the Laws. They are free to exercise, and enrich themselves, by any Craft or Occupation; they are permitted to trade and traffic throughout the Land. If they go to Market,

ket, they get Value for the Products of their Art, or their Industry; if they labour for Hire, they are paid their Wages; and their Persons and their Properties are held as sacred, and inviolable, throughout the Kingdom, as the Person or Property of any Protestant, therein.

If they are not contented; if nothing less will satisfy them than the Reins of Government, or the Inheritance of the Land; if they are grown fat, like *Jeshurun*, and begin to kick in their Wantonness; why do they not travel? why do they not seek more commodious Habitations? This, as I am told, is what they threaten to do; I would to Heaven they would make their Menaces good; for I shall never be free from Fear and Anxiety for my Protestant Brethren, in that Kingdom, while they harbour, in their Neighbourhood, in their Houses, and in their Bosoms, such dangerous and hateful Inmates.

Counsellor Candour.

My Lords, Gentlemen of the Jury. I am sorry that Mr. Serjeant should seem so diffi-

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dent of the Weight of his own Argument, as to think there is Occasion to sharpen it with Acrimony. But, whence, I pray, is his Anthipathy to this poor People? They never offended him, he is wholly a Stranger to them. He is a Stranger, my Lords, and therefore conceives his Averfion; had he known them his Bitternefs and Acrimony would have fubfided, and Affection would take the Place of Malice, in his Breast; for I am fenfible that Mr. Serjeant has the Virtues of Humanity.

Bating Error, in religious Opinion, which is to themfelves alone, the Roman-Catholics of *Ireland*, are the moft kindly, moft friendly, moft compaffionate, and moft generous, of any People, perhaps, this Day in the Universe. Hofpitality is their Characteriftic, to a Degree that is ridiculed by the Penurious and narrow-hearted; and they have more Affection for their Goffips, and Attachment to their Fofterers, than you *Englifhmen* have to the Brothers of your Blood.

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I confess that I wish them reclaimed. They are, now, happily in the Way of being reclaimed, my Lords; but, I do not wish them banished, because I know not where we could get a People, so peaceful and amenable in their Conduct towards Government, so humble and observant of the Injunctions of their Masters, or so social and affectionate to their Protestant Neighbours, as the Roman-Catholics of *Ireland*.

Mr. Serjeant says, in the Heat and Inconsiderateness of Prejudice, that he would to Heaven They might all seek more commodious Habitations. But, my Lords, when he breathed forth the said charitable Ejaculation, he had not consulted with his Protestant Brethren, of *Ireland*, for whom alone he appears to be anxious and alarmed. Waste and poor as that Island is, in its present Condition, if the Popish Natives, thereof, were to quit the Land, to whom should it look for Service or Labour? Seed-Time and Harvest would equally fail, throughout; and though the said Popery Laws have greatly

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ly discouraged and abridged the Products of the Art and Industry of Papists, yet the Want of what they produce, in Return for their daily and necessary Bread, would bankrupt and beggar that Country, in a single Season.

Mr. Serjeant, Gentlemen, intimates that these People are grown fat, and like *Jeshurun*, kick in their Wantonness. But, they are not fat, my Lords, they are lean and broken-hearted, even as a Steer who lies abroad, upon the windy Heath, without Covering or Forage, throughout a long Winter. Four Fifths of *Irish* Papists taste not Bread, but as a Dainty. Their Habitation is no other than that of a few Sods reared, One upon the Other, in the Space of a few Hours; and happy is that Family who has the Milk of a single Cow to kitchen a frugal Parcel of sodden Potatoes.

Mr. Serjeant, also, intimates that these People are ambitious, and aspire at Government and the Inheritance of the Land; but they are too poor to be proud, and too much
pressed

pressed to be aspiring. They are, indeed, the most humble and most dejected of all the Race of Man. They look not for Rule, neither for extensive Possessions; They barely petition that their Protestant Brethren would open to them an Opportunity for better Service; and that the Government would accept a sure Pledge of their Fealty, by admitting them to make Deposits of the Product of their Labour.

Serjeant Statute.

I beg Pardon, Mr. *Candour*, I cannot help interrupting You. I am truly affected by what you have said of this People! GOD forbid that I should wish to break a Reed, already bruised; or desire to exasperate Power, against a Set of unhappy Men, who are already under the Displeasure and Depression of the Law! If you can make it out that they are aggrieved by the said Acts, 'specially entitled the Popery Acts, beyond what was necessary for the Preservation of Protestants, I will attend to you, without Prejudice, I shall hear you with Pleasure;

Pleasure; and I will be the first to solicit a Repeal or Mitigation of the said Severities.

Counsellor Candour.

I thank you, Sir, I thank you, for myself and for my Clients. But, I am, from henceforth, no longer their Advocate; I care not what becomes of them. I have greater and worthier Objects in View; even the Interests of my glorious and gracious Sovereign GEORGE III. The Interest and Security of his Government in *Ireland*. The Interest and Security of my Protestant Brothers in that Kingdom. And the future Weal and Prosperity of my beloved native Country. All of whom, as I conceive, are aggrieved by the said Laws, even more than those very Papists, against whom they were enacted.

Mr. Serjeant, my Lords, lately wished that this depressed and wretched People would transport themselves to some foreign and distant Land. I do not mention this, to upbraid Mr. Serjeant, who has expressed himself with that Humanity which I always thought his Character: But I mention it to
shew

show the Damage and Danger of such an Event, in a Light still more glaring than, hitherto, I have done. In *Ireland* there are three Sorts of People or Powers, That of the Protestants, That of the Puritans, and That of the Papists; and each of them, within, the last Century, in Turns assumed the Seat of Government. The Protestants are thought to be the Fewest in Number, but the Puritans and Papists, in Matters of Civil Policy as well as Principles of Religion, are extremely opposite, and are held in Abomination by Each-other.

Both Puritans and Papists can well brook the temperate Lordship and Regency of Protestants, but neither of them would brook the Lordship of the Other.

Thus the Regency of Protestants is as a middle Link, that holds and conciliates the Puritans and Papists on either Side. Should One of those Powers attempt to disturb the Peace of Government, or to seize the Rein, the Other would certainly join to wrest It from their Hands; and thus Puritans and
Papists,

Papists, from their Aversion to Each-other, become as two Pillars that support and assure the mediate Reign of Protestants and the Weal of the Nation. Did either of them quit the Land the two remaining Powers would be left to unavoidable Discord and Contention. Neither can a Man form a more unfriendly Wish to Protestants than the Banishment of Papists from the Kingdom of *Ireland*.

My Lords, Mr. Serjeant asked me, some Time ago, upon the Word of a Man of Integrity, if I thought that *Irish* Papists were to be depended upon, with regard to their Friendship for their Protestant Brethren, or with regard to their Attachment to our illustrious House of *Hanover*? To this I answered, without Hesitation, that I thought they were not to be depended upon.

May it not appear somewhat extraordinary, that I, who have so long and warmly pleaded the Cause of this People, should pass so precipitate and severe a Censure against them? Permit me to explain myself. Were
any

any People that ever breathed (so circumstanced as these People are) to be depended upon; I think that this very People might be depended upon.

With your good Leave, Mr. Serjeant. Suppose yourself married to a faithful and loving Wife, who happened to be of a different Religion, but who was, otherwise, connected with you in every Article and Obligation of Interest and Affection. Suppose that, upon some Misunderstanding or Quarrel, you should take it into your Head to sue out a Divorce, and thereafter, to keep separate Beds, separate Tables, separate Houses, and separate Interests. Suppose, even, that your Esteem for this Woman still continued; would you, yet, have the same Dependence on her Affection and Attachment to you, as when your mutual Obligations remained in Force?

Serjeant Statute.

I would not, Mr. *Candour*, I should have no Right, in such a Case, to have any kind of Dependence upon her.

Counsellor

Counsellor Candour.

The Case, my Lords, is nearer than merely parallel. The said Popery Laws, by disarming this People, and placing a Guard over their Conduct, tells them, with more than a thousand Tongues, that they are not depended upon. The said Popery Laws, by rejecting them from all civil and military Employment, under Government, tells them, with equal Intelligibility, that they are more than suspected. The said popery Laws, by abridging the Number of Hands, employed in their Manufactures, seem to intimate that we desire not to participate of the Product of their Labours. The said Laws, by refusing them any real Security for their Money, bids them, honourably and openly, to carry their Hearts with their Treasures, elsewhere. And, the said Laws, my Lords, by prohibiting this People from any profitable or durable Tenure in the Land, pronounce the most effectual and durable of all Divorces; They say, *as Sarah said to Abraham, send this Hagar and*
her

her *Ismael* far from me, for he shall not partake of the Inheritance with *Isaac*.

Had these People, the Affection and Attachment, to Us, of grappling Irons; if We, ourselves, industriously break and cut off every Hold, by which they can possibly be connected; They must, in Consequence, of Necessity they must fall away.

But, as I said, my Lords, it is not the Cause of Roman Catholics that I would plead. It is the Cause of my gracious Sovereign, of his beneficent Government, of my Protestant Brethren, and my native Country of *Ireland*.

It has been the Policy of all Countries, that have any Policy at all, to fence and strengthen the reigning Powers, as much as possible, by the Affections and Powers of all the People over whom they rule.

When it is the Interest of all the People, of any Kingdom, to support the Throne; that Kingdom is in the strongest State that the Nature of Things will admit of. But in Proportion as any Part or Number, of the

R People,

People, have nothing to fear, or something to hope from a Revolution, or Change of Government, that Kingdom is in a State of great Danger and Weakness, forasmuch as the very People, whose Hands and Affections ought to be the Support of Government, are grown cold and listless towards it, or, perhaps, divided against it.

Such a considerable Deduction, from the natural Strength of a Kingdom, must proportionably enfeeble and debilitate the State; but, should such a Deduction, further, conceive itself to be interested in opposing or overthrowing such a State, the Case becomes extremely perilous.

Had the Popish Forfeitures, of *Forty-one*, been leased out in Fee-Farm, or sold, by the *English* Government, to any Papists, excepting those who had forfeited the Same; all those Papists, to a Man, would have fought, in *Eighty-eight*, against the World, the Flesh, and the Devil, for that Government under whom they derived their Titles, and by whose

whose Maintenance, alone, they could preserve them.

In like Manner, had the Forfeitures, of *Eighty-eight*, been leased out in Fee-Farm, or sold, by the *English* Government, to any Papists, excepting those who had forfeited the same; human Policy could not have contrived a more effectual Method for dividing the Interests, and, consequently, the Powers of a suspected People; and for strengthening the Protestant Interest of *Ireland* by attaching so great a Number of *Irish* Papists to the Protestant State.

Even now, were it enacted that all *Irish* Papists, excepting the Heirs of the ancient Proprietors, should be at Liberty to purchase, or lease, in Perpetuity, all the forfeited Estates, both of *Forty-one*, and of *Eighty-eight*; such a Provision would pillar many Thousands of loyal and valiant Subjects, with all their Followers and Dependents, under his Majesty's Throne and Government. Whoever might, afterwards, give a longing Look out for Wains, or Changes of Govern-

ment; it is not those, at least, whose Families and Fortunes must fall with the State on whose Foundation they were erected. What a Fund of Wealth, also, such a Provision would recal or retain in that Kingdom! And what a new Face of Culture, Harvest and Industry would, thereby, be spread over *Ireland!*

But, my Lords, was this the Policy of the Legislators who enacted the Popery Laws? By no Means.

On the Rebellion of *Eighty-eight*, nearly eleven hundred thousand Acres of *Irish*, or Plantation Measure, were forfeited to the Crown; but upward of four hundred thousand, of the said Acres, were again restored under the Articles of *Limerick* and *Galway*. And, by a Statute, of the first Year of her Majesty Queen *Anne*, it was enacted, under severe Penalties, that the remaining Forfeitures, amounting to about six hundred thousand Acres, should be set to none but Protestants.

Now

Now the Success of this Statute happens to be, that so extensive a Part of the Kingdom lies, generally, desolate, without Building, Fence, Plantation, or Improvement of any Kind, to this Day. For the Purchasers, in Defect of Protestant Tenants, parcel out the said Lands to poor Papists, at Will, who, being subject to Ejectment, upon instant Warning, think it their Interest to make all possible Profit, by present Waste and Damage.

My Lords. When the Monarch of humane, as well as glorious Memory, had conquered this People; he deemed it sufficient, for the Tranquility of the State, to deprive them of their Weapons, or Means of Offence; and to set a Guard over them, That should awe them into Subjection. He judged that this much was necessary to keep them quiet and ameneable; but that any Thing further, might tend to enflame, and be productive of Danger, or Damage, to Government. By Records of gracious Memorial, he confirmed to them the common Rights

of the Civil Constitution, by him, restored, explained and established. He left it to the lenient Hand of Time, and to the prudent and placable Policy of his Successors, to associate and attach a People, as Friends, whom he had subdued, but had not treated as Enemies. And he left it, to this People, to thrive, and enrich themselves, by an unlimited Freedom of Commerce and Manufacture; and, to give future Pledges of their Allegiance to Government, by future Lodgments of the Products or Value of their Industry; and by future Titles to Inheritances, and durable Tenures, derived under the State established on the Revolution.

Now, my Lords, let us suppose, that no one of the penal and disabling Statutes, which were instituted during the subsequent Reign of Queen *Anne*, had yet passed into Form; but that Matters had remained in the same Situation in which the wise, the glorious, and the gracious *William* left them; I ask, what would have been the Consequence? what Damage would, thereby have accrued to *Ireland*?

land? Would Papists, in that Case, have been less amenable and less attached to Government, because they were favoured and cherished by it? Would they have been the forwarder to bring Damage and Destruction on a Country, because their own Interest was connected therewith, and the Fortunes of their Posterity deposited therein? Would they have been the readier to attempt the Overthrow of our beneficent Constitution, because they enjoyed the Privileges and Advantages thereof? Or ought it to be expected, at this Day, that the Papists of *Ireland* should bear greater Faith and Fealty; because they are distrusted? or be the more industrious because they are discouraged? or wish, the more warmly, the Interests of the reigning Majesty, because they have little to lose by a Change of Estate? or attach themselves, with the greater Affection, to Government, because they have no Loan or Lodgment therewith, and have little to lose by a Change of Constitution? or will they fight, with the better Spirit, in Defence of that Country, because they have no Stake or

Inheritance therein? What say you, Mr. Serjeant?

Serjeant Statute.

Your Questions include their respective Answers, Mr. *Candour*. — But, tell me yet; I pray you. Suppose that all the said Popery Acts should be repealed. Suppose that, in Consequence thereof, public Industry should be kindled; and Arts, Crafts, and Manufactures, be multiplied, and matured throughout the Land. Suppose that by the Products of *Irish* Labour and Ingenuity, the Wealth of the Nation and the Royal Revenues should be annually trebled. And that, by admitting *Irish* Papists to derive, to themselves, new Titles and Inheritances under our Protestant Government, they should in Time, become Possessors of one Moiety, or one Third, of the whole Island, and, thereby, become the Means of spreading a new Face of Improvement, Plenty and Prosperity, through all *Ireland*.

Such

Such a Prospect, though barely seen through the Glass of Expectation, makes a very desirable Landscape, Mr. *Candour*.

But tell me, I say; should these People, while they retain their ancient Prejudices and Superstition, be once again invested with Wealth, Power, and extensive Possessions; what should hinder them from, once more, attempting to establish their said engrafted Superstition, in its pristine State of Supremacy?

Furious, rapid, and fearful, is the fiery Spirit of biggotted Enthusiasm! It looks not to the Way of Right, nor listens to the Call of Reason; and all things are trampled upon, without Pity or Discrimination, that lie in the Paths of its Progress.

These People, as you tell us, are, at present, lean and broken-hearted. But, should they again wax fat, may they not also wax wanton, and spurn their Feeders? Should *Irish* Papists, once more, get the Cards well packed and ready to their Hands; can you
promise

promise, Mr. *Candour*, that they will not play over the old Game of *Eighty-eight* and *Forty-one*?

Counsellor Candour.

I do promise it Mr. Serjeant. And I will bring *Truth*, *Nature*, and *universal Experience*, to guarantee my Engagement.

I, formerly, set forth to your Lordships, among other Matters of veritable History, that, early, in the Reign of his Majesty *James I.* the native *Irish* began to warm themselves in the Sun-shine of a lawful and just Government. That they were, then, free to plead in those very Courts where they could rarely obtain the Privilege of being, formerly, impleaded. That they got the Glimmering of the Advantages of a *British Constitution*, by several Instances of the Guardianship of their Persons and Properties. And, had not those very Laws (to whose Beneficence they gladly crowded for Protection) like *Penelope*, unravelled the Web they had woven, that *Irish Catholics* would have sat down in Peace and Contentment, the most
pleased

pleased and the most grateful of all Men living.

Was it then, because these People were fattened, that, in their Wantonness, they presumed to spurn their Feeders? No, my Lords; it was because they were impoverish'd, because they were flead, that they were provoked to kick; and so would any Thing that had Heels and a Portion of Life remaining.

It has been largely enough recited how, during the Reigns of the first and the second *Stuart*, the Fortunes of these People escheated, as it is honourably stiled, to the Crown, to the Amount of, nearly, one Third of the Lands of *Ireland*.

This raised great Commotions, throughout the Kingdom and, particularly, in the *Irish* Parliament who address'd several pressing Remonstrances to his Majesty, *Charles I.* and petitioned for a Restoration of the said escheated Lands, to the original Proprietors. This the King repeatedly promised; but, when

when the Proprietors found that they were, finally defeated of their Expectations, first, by the Machinations of the Earl of *Strafford*, and afterward, by the Management of the Lords Justices, *Parsons* and *Borlase*, they seized the Opportunity of the cotemporary Troubles in *England*, and determined to claim, by Force, what they could not obtain by Favour.

This, my Lords, was the Cause, and this, alone, was the Cause of the first of the Insurrection of *Forty-one*. The Fomenters and Chiefs of the Confederacy had been the Proprietors of the said escheated Lands; and they cried up Religion, as a Pretence, or Word of War, to the Vulgar, who had no Property to lose; but, finding this Motive insufficient, they annexed the Promise of a Division of the whole Island among their Adherents, as soon as a Conquest should be made thereof.

As the Chiefs of the Insurrection, happily, failed in their Enterprize, they further forfeited to the Common-wealth of *England*,
whatever

whatever had been left them by *James* and *Charles* I. as did all who were, in any Degree, accused and convicted of having abetted, harboured, or countenanced, any Party or Person concerned in said Rebellion.

These repeated Escheats and Forfeitures, left very little landed Property to any Papist, in *Ireland*, saving a Few who had derived to themselves new Titles, under the *English* Government. Wherefore, in the War of *Eighty-eight*, all the Heirs and Descendents of those who had been deprived of their Estates, either previous to, or on Account of the Insurrection of *Forty-one*, gladly rose, to a Man, in Support of *James* II. who promised them universal Restoration and Redress; all, I say, save the Few who derived new Titles, under the Commonwealth of *Cromwel*, or the Crown of *Charles* II. and who stuck staunch and true to their own Interests, and to the *English* Government, under whom they claimed.

It is true that the parading Terms of *Loyalty* and *Religion*, were loudly vociferated and trumpeted

trumpeted among them; but *Property*, my Lords, *Property*, and *Property* alone, was the Principle and Momentum of the whole Machine.

If, after several Generations have passed away. If after a Demeanour of long Peace and fair Allegiance, this People should be ever tempted, by unforeseen Events, or the Instigation of foreign Powers to rise against us, it will, unquestionably, be in order to obtain some Root or durable Tenure, in the Land of their Nativity, from which they were precluded by the last of the *Stuart-Line*. And, my Lords, I can pronounce that, as surely as Matter still gravitates to its Center, were these People but indulged, by the gracious House of *Hanover*, with any descendible or durable Property in that Kingdom, they would stick, as Mr. Serjeant once expressed it, with the Propensity of Bull-Dogs, to the Interest of that Power with whom their Interest was connected. No Loyalty, no Religion, no Regard to GOD or Man, can sever that inherent Sensibility, from Nature,
which

which must, ever, feel, and reason, and act in favour of SELF.

When the great Tumult and Uproar happened at *Ephesus*, in Appearance, concerning the Worship of their Idol, *Diana*; the People persuaded Others, and even persuaded themselves that they were instigated, thereto, from a Motive of Piety. But, what says the divine and veritable Text of GOD and of Nature?

The Text says, that a certain Man, named *Demetrius*, a Silver-Smith, who made Silver Shrines for *Diana*, brought no small Gain unto the Craftsmen whom he called together, with the Workmen of like Occupation, and said. — Sirs! Ye know that, by this Craft we have our Wealth. Moreover, ye see and hear that, not alone at *Ephesus* but, almost throughout all *Asia*, this Paul hath persuaded and turned away much People, saying, that they be no Gods which are made with Hands. So that not only this our Craft is in Danger to be set at nought, but that the Temple of the great Goddess *Diana* should be despised, and

and her Magnificence should be destroyed whom all Asia and the World worshipping.

Here, this Fellow intimates, to his Fraternity, that their Clamour must be in the Name of *Diana*, while he confesses that *Mammon*, alone, is the Motive of their Insurrection; a Motive the most prevalent, of all Motives, as we see, for standing up in Opposition, even, against the Word of CHRIST, and the LIVING GOD.

However high the Tides of Loyalty or Attachment may swell. Wherever the Winds of Superstition or Religion may blow. Interest, my Lords, is, at all Times, the Rudder that turns and steers the Vessel of this World at Pleasure. Or, rather, it is the golden Image of *Nebuchadnezzar*, before whom all People, Nations, and Languages fall down. Or, rather, It is as the very *Diana*, already recited; in whose Presence the People, of all Countries and Persuasions, cry out, with one Consent, *great is this Diana of the Ephesians!*

Religion,

Religion, Kindred, Gratitude, Loyalty, a Sense of Duty, will produce what we call Inclination, kindly Wishes, and Attachment, to a certain Degree: But, if we would bind a People to us with Hoops of Steel, we must make it their *Interest*, as well as their *Duty*, to befriend us. Though a Nation were compounded of distinct and adverse Families, Each taken from the different Sects, Persuasions, Religions, and Professions, that prevail in the different Countries, throughout the Earth; do but unite them, by a Community or *Constitution of Interests*, and they will join as one Family in the Maintenance and Defence of *common Rights*. *Interest* is the *Knot* that never looses; it is the Friendship, the *Fealty*, that never fails. And I repeat it, my Lords, would our present wise and humane Legislature admit *Irish* Papists to some descendible or durable Tenure, in their native Land; They would thereby arm them, as it were, with a Sword in either Hand. The one in Defence of the State without whose Continuance they could not retain their Property; and the other against All, even the Brothers

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of their Blood, who might attempt the said Possessions, under any escheated or forfeited Titles.

If you are attacked and have the Fortune to subdue your Enemy; human Policy can reach at no *Means for your future Safety*, save that of *depriving him of the Power to hurt you*; or that of adding to your own Power by *making it his Interest to befriend you*.

Be pleased then, my Lords, to apply the *Popery Laws* to the said *Test*. And *first*; have They derived any Power to his Majesty from this People? have they made it the Interest of *Irish* Papists to support and defend the State? No, my Lords, no. They have, nearly, cut off every Inducement that might engage them to serve us. I would the Severity of those Laws had been greater, or less; that they had been sufficient on the one Side to serve for suppressing; or not so poignant on the other as to serve for provoking. They have laid our Roman Catholics under the Temptation of wishing for Changes and Events, more advantageous to themselves;

themselves; and what People are tempted to wish they are tempted to promote.

This, however, is not to be feared, if the Laws, that provoked them, have deprived them of their Power. But, has this been done, my Lords? Their Arms, it is true, have been taken away; but is the Supply of that Loss, from abroad, an Impossibility? or, what says the Poet, of near two thousand Years ago? *Furor Arma ministrat. An angry Man makes a Weapon of whatever comes to Hand.* They have been, also, prohibited, it is true, from realizing their Wealth in *Ireland*; from depositing in that Country any Pledge of their Attachment; and from lodging with the Government any Pledge of their Allegiance. But, are they also prevented from making Use of that Wealth, against the Country and Government, in whose Favour they are not permitted to deposit It?

Ready Money, my Lords, is *ready Power* throughout the Earth; and those Laws have compelled this People to preserve it. They

are necessitated to lodge it in the Hands of our foreign Enemies; or to keep it in their own, for any sudden or occasional Call. Let this People be ever so placable, well tempered, or affectionate; they cannot consider Those, in the Light of Friends, who treat or consider them in the Light of Enemies. It is a fearful Situation, my Lords, where Invasions, or Events, that are Matter of Apprehension to one Part of a People, may possibly prove Matter of Expectation to the Other. Indeed, we have not a Right to expect that *Irish* Catholics should be warm in the Support of an Interest from which they are, legally, alienated and excluded.

On the other Hand, suppose that this People had been permitted to lodge their Treasures with Us. In such a Case, my Lords, we should have taken Possession of their Affections and Hearts, also. Whoever thinks, otherwise, is a Disbeliever of the Word of CHRIST.

For Instance. Suppose that quickly after the Declaration of War, between *Great-Bri-*
tain

tain and *France*, a certain Man had been appointed Commander of an *English* Man of War, who happened, at the same Time, to have a large Fund of Wealth in a *French* Bottom. Suppose that this Commander, in his Cruize, happens to meet the very Vessel in which his Wealth is deposited. He knows that it is his Duty to fight; but, will he be pleased with the Opportunity? will he be hasty in giving Orders for the first Broadside? Suppose that, in the Spirit of Heroism and Consciousness of Duty, he fights and sinks this Vessel to the Bottom; will he have no Compunction, no Regret, for having been accessory to the Loss of his own Treasures? Whoever is of this Opinion knows nothing of Common-Sense or of human Nature.

Lord Chief Baron Interest.

Enough, enough, Mr. *Candour*. You have demonstrated, in all Lights, that the Laws, especially called the Popery Laws, have conducted very little to the Strengthening of the Throne or Government of *Ireland*; and I am persuaded that Mr. Serjeant, himself, is of

the same Opinion. What say you Mr. Serjeant?

Serjeant Statute.

I am, my Lords, I am convinced. But, I am not equally convinced that those very Laws have not considerably advanced the distinct Prosperity of Protestants in that Kingdom. The Removal of Papists, from any profitable or durable Tenures in *Ireland*, hath not removed the Lands or the natural Products thereof. These remain as a Capacity, or spacious Field, wherein Protestants may multiply and, at length, stand up sufficient to themselves, without Rivals in Number, or Elbowers for Possession. This, I confess, my Lords, is what I wish, and what I look for, as the final Issue and Consequence of the said Popery Laws; a blessed Issue, Gentlemen, whenever it shall come to pass, and well worth our Patience, for another Century at least.

Counsellor Candour.

I will prove to you, Mr. Serjeant, that this must sooner and more assuredly come to pass,

pass, from a Repeal or Mitigation of the said Popery Laws, than from any other Expedient that can be devised.

My good Mr. Serjeant *Statute*; you, some Time since, expressed yourself with much Humanity, and generous Compassion, in regard to these poor People. I would to GOD you might see them in their Wind-winnowed Huts, that are empty of all Things, except the Inhabitants. For depressed and impoverished they are, to such a Degree, as you would think beyond the Sufferance or Sustainance of human Nature. But, I disdain to take Advantage, by laying hold of your Passions, I desire nothing more than that your Reason should attend.

My Lords. Gentlemen of the Jury. When Mr. Serjeant lately wished in favour of Protestants, that all *Irish* Papists should quit the Land; I gave my Reasons for thinking that this could not be the Wish of any *Irish* Protestants who were capable of discerning their own Interests. I further intimated the inevitable Ruin that such an Event must bring

upon the Country in general; and, more especially, on the *few Protestants* whom I most affected, *the rightful Heirs of our Constitution, and the Establiſhed of our Laws.*

As Mr. Serjeant did not think proper to make any Reply, I did not deem it neceſſary to expatiate on the Matter, though I had Room and Scope, at large. — Mr Serjeant, do you chuſe? — Well, Sir, enough — I am pleaſed, I aſſure you, to drop all Sort of Argument, on that Head.

With the Leave of the Court I ſhall, then, proceed to ſhew how pernicious the ſaid Popery Laws have proved, to the Proteſtants, and to the Proteſtant Intereſt of *Ireland.*

When thoſe Laws were firſt enacted, all Sorts of Proteſtants, and all Kinds of Conformiſts, imagined that Fortune was to fall upon them, by Wholeſale; and, that they were inſtantly to thrive and to wallow in Plenty. They thought that Proteſtants and Papiſts were like the two Buckets of a Draw-Well, and that as one deſcended, the other
must

must mount aloft. Or like the twin Stars of *Castor* and *Pollux*, one of whom could not arise to its Height and Brightness, till the other had fallen and sunk in Night.

Mark, then, with what Justice they were punished, in the Issue. A general Face of Indolence, Dejection and Poverty spread over the Land. All the monied Men, among the Roman Catholics, immediately transmitted their Wealth to foreign Countries. The Nation was drained of its Cash. Trade, Commerce, Markets, and Manufactures failed, in the twofold Want, of Encouragement to Industry, and of a sufficient Currency to circulate Business. Foreign Demands, the Crown-Revenues, and all the usual Taxes, were yet to be payed, without the usual Funds or Supplies for the Discharge. The Price of Lands fell; while, through the Discouragement and Scarcity of Manufacturers, the Price of all the Necessaries and Comforts of Life rose; at a Time when there was the least Ability to purchase. And Ruin hung over *Ireland*, like a Sky of heavy Clouds,

Clouds, when no one knows or observes from what Quarter they come.

The Conformists I say, my Lords, at first imagined that they, themselves, should be benefitted and exalted, in Proportion as the Nonconformists were damaged and depressed. Independent of this delusive Hope, They were blessed with a Concurrence of temporal Advantages, that no other People, exclusive of *Great-Britain*, could boast. They were Members of the freest and best established System of Policy upon Earth. As Conformists, they enjoyed the chief Privileges and Profits of the said beneficent Constitution. They were indulged with a long, a profound, and uninterrupted Peace. They were Proprietors of a Country that, with due Cultivation would have plentifully nourished five-fold the Number of Inhabitants that it contained. The Legislature or grand Council, which the Protestants now chose from their own Body, were unwearied in their Studies, Endeavours, and Experiments, in a Variety of Laws, and Multiplicity of Appointments, for effecting
the

the Advancement and Opulence of their Constituents. Many Patriots, also, arose throughout the Land, solicitous and diligent in the Promotion of Manufactures and Encouragement of Arts, and in transplanting and propagating, within the Place of their Nativity, all Branches that were deemed of foreign Use. Yet, in Spight of such a Confluence of natural and political Benefits; Trade was obstinately flow. Credit waxed deaf. Business stagnated. The Land yielded not its Encreate. Dearth and Famines became frequent. Thousands perished, through Want, in the public Ways or desolate Fields. A Kind of lazy Numbness spread through the Inhabitants. No Succedaneums, no outward Applications could take due Effect, while the Disease was unremoved and continued to prey, inward, on the Bowels of *Ireland*. The Nation was, yearly, in fear of being bankrupt and beggared; and found itself arrived to the Brink of Perdition, without knowing how, why, or whence It came there.

It

It were an unpardonable Defect of Charity to suppose that the Legislators who projected or enacted the said Popery Laws, could sufficiently foresee, or, in any Measure, intend the very destructive Consequences that have since ensued. Be it enough that, by reflecting on what hath happened, we are, now, enabled to trace these calamitous Consequences to their natural Cause; and that former Errors may be of Use in the present Case, by serving as an Admonition for speedy Reformation.

It is, my Lords, a very general and not unnatural Mistake, that this World is to Man, as it is to the Brute-Creation, among whom, when the Guests are few, there is the greater Plenty and Luxuriance of Provisions. But the Cases are as wide, as East and West, asunder.

In every Forest, in every Field, GOD hath spread the Carpet and prepared the Repast for those whom he hath not instructed to prepare it for themselves. To Man, alone, he gave Reason, Invention, and a social Nature.

He

He gave him Weaknesses and Wants, as a fertile though humble Bed, wherein he sowed the Seeds of every human Virtue. By those Weaknesses and Wants, he compels him to associate; and from Society he derives all the conjugal, paternal, and filial Endearments; the Friend, the Neighbour, Citizen, Countryman, Patriot; and all the Charities that unite the great Brotherhood of Man.

GOD suffers not any Man, and rarely, any Nation to be sufficient to itself, or of Ability to supply its own Occasions. The wealthiest, the strongest, the wisest Individual, though of Power to extend his Service through his Country, through the World, cannot singly provide for his personal Subsistence. Thus Man who, in himself, is the most impotent and pitiable of all living Creatures; becomes the most powerful and formidable, through Community. From his Weakness he gathers Strength, and from his Want he gathers Plenty. For here, and here alone, GOD hath laid the Foundation of all
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the Wealth and Dominion that ever rose up on Earth.

From hence, my Lords, it is evident that a petty Association, of one hundred, one thousand, or of one hundred thousand Men, may not be answerable to the Defence, or personal Accommodation, of any single Member of such a Community. The almost infinite Wants, Infirmities, and Diseases, that are incident to human Nature demand as infinite a Provision, from the numberless Crafts and Branches of Crafts, Mysteries, Manufactures, Occupations, Arts and Sciences, that are exercised and cultivated throughout the Earth. For, from these, alone, ariseth the universal Wealth of the whole World; whatever is necessary, useful, commodious, whatever conduces, to the Convenience, Delight, or Happiness of Mankind.

Wherefore, my Lords, whatever Legislator, or Number of Legislators; whatever Law or Ordinance, shall prohibit, abridge, discourage, or discountenance, any Hand, or Number of Hands, so worthily employed for
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the Good of the World, is an Enemy to human Nature; is, more particularly, an Enemy to that unhappy Country, wherein the Wretches so prohibited or rendered listless are situated; and is, still more particularly, an Enemy to the People with whom such useless Members are neighboured, or connected.

This last Case, my Lords, is the Case of the Kingdom of *Ireland*, and of the Protestants, thus unfortunately circumstanced therein. They make but one Third of a disqualified People, with whom they are unavoidably mixed and united.

These People, on one Hand, are on a Level with Protestants, and equally enjoy the Support of our Government and Protection of our Laws: But then our Government and our Laws are too generous to require any Benefit, in Return, at the Hands of those People; for they are legally discouraged, and legally rejected, from doing any personal Service to the State.

Again.

Again. Though these People are prohibited from employing a Number of Hands, in their Crafts and Manufactures; as also, from depositing the Products of their Art or Industry in that Country; they are yet permitted to occupy, and trade, and traffic throughout the Land; and from Year to Year, and every Year, to gather up and spirit away whatever they can glean of the little Wealth of the Nation. And thus they become, to *Ireland*, as a hot Sun and a strong Wind to a shallow Lake; they exhale and carry off the vital Moisture from among us, never more to be returned, in Mist or in Dew, to flake a thirsty Soil. Is it their Fault, my Lords, or our Misfortune, that they are legally rendered a Burden and a Nuisance to the Country wherein they are born?

My Lords. Gentlemen of the Jury. From the very Beginning of the World, to the very Beginning of the present Century; it hath been the capital Study of every Legislature, any Way worthy of that Title, to multiply Hands, and to encourage and quicken Industry, by all possible Contrivances, Motives, and

and Incitements. For, my Lords, the *Number of People* is accounted the Wealth of a Nation, merely, as they supply the greater *Number of Hands*. And the Number of Hands is accounted the Wealth of a Nation, merely, as they supply the greater *Quantity of Labour*. And the Quantity of Labour makes the Wealth of a Nation, merely, as it supplies those *Products* whose Values, universally, constitute *the Wealth of Mankind*. For, as those *Products* must bear a mathematical Proportion to the *Quantity of Labour* employed thereon; so the Quantity of such Labour must, equally, bear a mathematical Proportion to the *Quantity of Encouragement* that is given thereto.

Can ye tell me, then, who were the *Sons*, of whom that Senate was compounded, which contrived and framed Laws for the Discouragement of that Labour, on which the Wealth and Prosperity of their Country depended; and who, by a Listlessness and Relaxation of Hands, have made two Thirds of the People of *Ireland*, the Poverty, the

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Burden,

Burden, and the Curse of the Land, and of that unhappy Community with whom they are connected.

Let us now, my Lords, take a Prospect of the Situation of Protestants in that Country. Let us take it in the natural Occurrence of Objects, and in the Light that Common-Sense may cast upon them.

I purposely pass over, in the Way of our View, the Danger that *Irish* Protestants may be in, or the Jealousies they may still entertain of a People who are very little interested in their Prosperity or Preservation. Supposing that nothing of this required any Matter of Prevention or Remedy; let us behold all the *Irish* as Inhabitants of the same Country, as Members, of one Community, who ought to be united, in Prospects, Attachments, Operations, and Pursuits.

But, is that the Light, my Lords, in which you see them? not so, not so. You behold *Irish* Papists, as a Body of Men retained within the Bowels of the Public, and yet rejected from

from any personal Service thereto, or any real Interest, or durable Property, therein. You behold them as an independent and unnatural Fœtus within the Womb of their Mother Country. Or as so many internal Parts, of a great Machine, that are *legally* clogged and retarded in their Offices, and, thence, obstruct or counteract that Movement which is necessary to the Intention of the Whole. You behold their Industry as a Shell-Snail that, slowly, draggs along its unavoidable Incumbrance. You behold their Arts and Inventions as a Flock of tamed Poultry, with Weights at their Legs, to prevent the Use of Wings and keep them from soaring. You behold them listless and bound on the Backs of their Protestant Brethren, as *Mezentius* bound the Bodies of the Dead to the Living! Is it, then, to be wondered that all the Wisdom and Patriotism, of our succeeding Legislators, neither have availed, nor can avail, for the Cure of a Malady so constitutional and inherent, till the Cause, from whence the Malady proceeds, is attempted?

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My Lords. When Mr. Serjeant asked me, upon the Word of a Man of Integrity, if I thought that *Irish* Catholics were to be depended upon ; I answered that I thought they were not to be depended upon. I then spoke, my Lords, from the Jealousy that naturally arises in the Mind of Man, on the most remote Apprehension or Possibility of Danger. And, indeed, I then spoke in direct Contradiction to repeated Trial and Experience, long approved.

About six Generations have now passed away, according to the Rates of Purchase and Estimate of the Life of Man, since these People have offended in Word or in Deed. No Riotings have been heard in their Houses, no Complainings in their Streets ; they have been silent and harmless as the Flocks on the Hill of *Croghan*. Our Parties, Factions, and Insurrections, as they are merrily stiled here in *England*, have been all, among *Irish* Protestants ; this People were neither Actors nor Partakers therein. They have offered themselves to our Fleets and to our Armies, to tend our Persons, to till our Grounds, to hew our Wood, and to draw our Water. Where

we admit them to fight for us, they have ever proved valiant; where we admit them to serve us, they are ever found loving, observant, and faithful. Temptations have come to their Doors and called them forth; the Contagion of Rebellion hath several Times broken out among their Neighbours; they have yet remained quiet, and continued untainted; still loyal to their Sovereign, amenable to Government, and submissive to Law, through a long and trying Succession of upward of seventy Years, they have scarce appeared to repine in the Midst of Calamity.

What, then, do we look for further? What Proofs do we yet require, of Peacefulness and Attachment at the Hands of these our Brethren? Is no Period to be put to their State of Probation? Must they *for ever* keep out upon *Quarantine*, without Harbour or Hopes of Rest or Reconciliation? Or is it possible that *Irish* Catholics, who have so long and so loyally demeaned themselves as Friends, while considered as Enemies; is it possible I say, my Lords, that they should become our

Enemies, on account of their being treated by us, and attached to us, and interested in us as Friends? A People, my Lords, who, through a Winter of seventy Years Continuance, have never failed, or forsaken, or given us Cause of Offence, surely merit some Consideration, some grateful and chearful Ray, to warm them to a Sense that Protestants are not, by Choice, of a cruel, unforgiving, or malevolent Nature.

With what a Strengthening to his Majesty's Throne and Government! With what an Assurance of Safety to *Irish* Protestants! With what an Encrease of Wealth and Prosperity to *Ireland*! With what Ease and Honour to our Legislature might this be done! It is but *interesting* this People in the Defence of the State, in the Safety of their Protestant Brethren, and in the Culture and Preservation of the Country wherein their Treasures will then be deposited; and, as surely as Matter must gravitate to its Center, these People will adhere to the Interests of those, with whom their own shall be united, against
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Men and Angels, against Pretenders, Popes, or Devils. No Seductions, no Persuasions, could then tempt them to permit, and much less to assist, toward the Overthrow of a Constitution, wherein their Stake lay, and whose Equal they could not hope to find upon Earth.

IT WERE to be wished, I confess, that these People were reclaimed from their ecclesiastical Errors, at least, provided they might not, thereafter, become worse Men, or worse Subjects, than they are at present; provided they should, thereafter, retain a sufficient Sense of any Religion at all.

Two Thirds, of the Inhabitants of *Ireland*, are at this Day Roman Catholics. And yet, my Lords, it is remarkable, that there are fewer Robberies, Thefts, Murders, Maims or Riotings, in that Kingdom, than in any Nation, equally numerous, in *Europe*.

I once intimated to your Lordships, that speculative or religious Errors, in certain Cases, might be politically useful, with re-

spect to civil Government. That auricular Confessions, Purgatories, Fasts, and Penances, are, to the Members of the Church of *Rome*, what Discipline is in the military Department ; by preserving Roman Catholics in the familiar Use and Practise of daily Obedience. That this Habit, of Respect and Submission to ecclesiastical Discipline, is, not unnaturally, attended with Respect and Submission to the secular Powers. And, that the Obedience, of these People, to the Authority of their Church, is an Earnest of their Obedience to the Authority of all States under which they live. But, my Lords, this is not all. Nineteen in Twenty, of *Irish* Papists, though naturally the most sensible and apprehensive, of all People, are wholly illiterate ; and their Priests are, to them, in the Place of Letters, of Instructors, of Parents, of Governors, of their Church, and of their God.

Those same Priests, my Lords, are, also, extremely zealous and sedulous in their Functions. They visit from Village to Village and House to House. They call in
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Question the most ancient and the most respectable of their Communion. They take hold of the Souls of Infants, as you would of sprouting Twiggs, and bend them, during their State of Pliancy, to the desired Direction. They preserve their Authority, over their People, not only by the Threats of future, but by the Infliction of present Punishments. And, indeed, we cannot say, during these seventy Years and upward, but that the Influence of this Priesthood, hath been exercised and directed, to the Quiet of the Nation, to the Benefit of the Public, to the Observance of legal Ordinances, and to the Safety of the State.

Now, my Lords, suppose that a sudden Reformation had been, instantly, made; and not a Popish Ecclesiastic left in all *Ireland*. — Very well, my Lords. — But then, the Consequence must be, that the Weight of the Souls, of the Morals, and future Conduct, of two Million of our Natives, falls wholly on the Shoulders of our Protestant Ecclesiastics; who appear sufficiently engaged by their present

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sent Cures, without any further Demand of Time or Toil at their Hands.

This Weight then, my Lords, must, at least, treble the Burden of what they now labour under. We will, however, suppose that the Load is quite lightened by their Piety, and by their Zeal for the Reformation of Sinners. Be it so. Yet, it still remains a Doubt with me, whether this same Excess of Piety and Zeal, in our Protestant Clergy, will be Equivalent to their Want of Authority which in Fact, is Want of Power.

You, my Lords, who know the World, can best judge how far Gentlemen, who have been delicately nurtured and politely educated, may conform, against Habit, to the Dictates of Charity. You can tell us, with what Pleasure, the elegant Doctors and Dignatories, of our Church, will trudge about, through the barbarous Inclemency of the Seasons; entering Cabbins by whose Doors the Smoak is evacuated; abiding the Stench of a reeking Atmosphere; sitting down, Side by Side, with Beggary and Ignorance; and
familiarily

familiarly instructing Wretches, whose Wardrobe and whose Table is estimated at nothing beyond Rags and some crude Potatoes.

All this, my Lords, would, questionless, be very kind and meritorious, for the Sake of the Gospel of CHRIST, and of those his lowly Creatures, whom he hath ordained, however, to Life and Immortality. But, still, it might take some Time before Gentlemen, of exalted Erudition and Conversation, could adapt themselves to the Apprehension of the wholly Illiterate. And, in all Events, our Protestant Clergy must want the *two Handles*, of that *cardinal Rudder*, by which the Popish Priesthood steer their People at Pleasure; to wit, *Absolution*, for their open Admittance to Heaven; and *Penance*, for the Chastisement of their Transgressions upon Earth.

We Lawyers, my Lords, are apt to imagine that a due Execution, of Statutes and Ordinances, might answer all the Ends of civil Government, and keep the World in sufficient Subjection and Order. But this is
widely

widely far from being the Fact. There are thousands of Instances, in which the Wicked may trespass upon the Rule of Right, and yet keep clear of all civil Ordinances that ever were, or can be enjoined. And, were there no internal and conscious Sense, that prompted us to Good, and checked us, in our Propensity and Course to Evil; had we no Regard to GOD, to FUTURITY, to DUTY, *Mankind*, in Spight of Laws, would become the *Kind of Devils*.

If you, my Lord Chief Baron *Interest*, and you, my Lord Chief Justice *Reason*, had any Concerns in *Ireland*, as Mr. Justice *Clemency* and I have; I ask, would ye chuse that *Irish* Papists should continue, as they now are, erroneous indeed, but pious and peaceable? Or would ye, rather, wish them divested of all Religion, and consequently of all religious Errors and Prejudices, Strangers to the Fear of God, and Enemies to the Peace of Man?

If nothing, however, is wanting but that these People should, either piously or professedly,

feſſedly, conform to the Religion eſtabliſhed by Law in theſe Kingdoms, I will ſhew you, my Lords, the ſhorteſt and ſureſt of all Roads to this deſirable Reſting-Place.

Wherever we conceive a Prejudice againſt the Perſon of any One, we, in Conſequence, conceive a Prejudice againſt his Principles; and Reaſon, itſelf, will not appear reaſonable, from the Mouth of any Man, or Set of Men, whom we look upon as our Enemies.

This, my Lords, is the Caſe of the Catholics of *Ireland*. They look upon us as Enemies, as well to their civil Intereſt as religious Opinions; and this gives them an equal Prejudice to our Perſons and Principles, and mainly helps to continue them obſtinate in Error. Give them Cauſe, then, to think us Friends to their Civil Intereſts, and they will no longer, be averſe to our religious Opinions; they will liſten, they will like, and, in Time, they will reform.

AND NOW, my Lords, as the Good of Society is the only rational End and Intent
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of all Laws; where any Laws, on Experience, are found detrimental to that very Society, for whose Emolument they were enacted; can Wisdom make it a Question, whether they should continue, or be repealed?

Were Protestants enriched, and strengthened, and exalted, in proportion, as Papists are impoverished, debilitated, and depressed. Did we derive any Wealth from their yearly Exportations of the current Cash of that Kingdom. Did we derive any Safety from their Discontent and Disaffection. Did we gain any Power, by their being divided from us, while they are continued among us. Were our national Products encreased by their Want of Motives to Industry. Were our Bogs and Wastes better reclaimed by their Want of Incitement to Labour. Were our Coasts the better secured from foreign Invasion, because two Parts in Three of the Inhabitants of *Ireland*, are no Way concerned in the Defence thereof. Were our internal Dangers lessened, by giving ourselves Cause to be jealous of such Numbers. Could we
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hope to gain their Friendship by the public Acts and Expressions of our own Distrust. Or, could we expect that their having different Interests and Attachments would engage them to wish our Welfare or to promote our Prosperity. I would be the first Man in *Ireland* to remonstrate and petition against the smallest Abatement of the Popery Laws.

But, as a seventy Years Experience hath proved and continues to prove, that the Reverse of all such happy Consequences is, permanently, and palpably, and perniciously the Fact. I would humbly propose. That, for the better Security of his Majesty's Crown and Government in the Kingdom of *Ireland*, by interesting *Irish* Catholics in the Guardianship thereof; for stopping the perpetual Drain of the Specie or political Blood of that Nation; for deriving Strength to *Irish* Protestants from the good Will and Assistance of *Irish* Papists, with whom they are unavoidably though discontentedly associated; for acquiring immediate and inconceivable Opulence to the State from the animated Industry of two
Thirds

Thirds of the People; for doubling the yearly and natural Value of *Ireland*, by giving Papists an Interest in the reclaiming of our Lands; for giving them Cause to oppose our common Enemies by giving them a common Stake to retain and defend; for giving them Cause to contribute to our Prosperity by admitting them to a legal Participation thereof; it is humbly proposed, I say, that our Patriot Legislature, so studious in other Respects for the Advancement of their Country, should make such an Abatement or Alteration, of the said disabling Laws, as, to their superior Wisdom and Discernment shall appear requisite, for lessening the many Evils that are thereby created; and for restoring the many Benefits that are thereby suppressed.—

I had carried my Notes thus far, when I was called away on a very interesting Affair. and cannot say, whether the Jury brought in a formal Verdict, or left Matters to the better Judgment of our Legislature.

F I N I S.

Brooke, Henry,

The Tryal of the Cause of the Roman Catholics

Dublin 1761

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